

HOUSE OF REPRESENTATIVES—Wednesday, March 2, 1994

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray in the words of Charles Wesley, whose birthday is celebrated today:

Forth in thy name, O Lord, I go,

My daily labor to pursue;

Thee, only thee, resolved to know

In all I think or speak or do.

The task thy wisdom has assigned,

Oh, let me cheerfully fulfill;

In all my words thy presence find,

And prove thy good and perfect will.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TRAFICANT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TRAFICANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 154, not voting 17, as follows:

[Roll No. 34]

YEAS—262

Abercrombie	Boucher	Cooper
Ackerman	Brewster	Coppersmith
Andrews (ME)	Brooks	Costello
Andrews (NJ)	Browder	Coyne
Applegate	Brown (FL)	Cramer
Bacchus (FL)	Brown (OH)	Danner
Baessler	Bryant	Darden
Barca	Byrne	Deal
Barcia	Callahan	DeFazio
Barlow	Cantwell	DeLauro
Barrett (WI)	Cardin	Dellums
Bateman	Carr	Derrick
Becerra	Chapman	Deutsch
Bellenson	Clayton	Dicks
Berman	Clement	Dingell
Bevill	Clinger	Dixon
Bilbray	Clyburn	Dooley
Bishop	Collins (MI)	Durbin
Blackwell	Combest	Edwards (CA)
Bonior	Condit	Edwards (TX)
Borski	Conyers	Engel

English	Lehman
Eshoo	Levin
Evans	Lewis (GA)
Everett	Lipinski
Farr	Lloyd
Fazio	Long
Fields (LA)	Lowey
Filner	Maloney
Fingerhut	Mann
Flake	Manton
Foglietta	Margolies-
Ford (MI)	Mezvinsky
Ford (TN)	Markey
Frank (MA)	Martinez
Frost	Matsui
Furse	Mazzoli
Gedden	McCloskey
Gephardt	McCollum
Geren	McCrery
Gibbons	McNulty
Gillmor	McDermott
Gilman	McHale
Glickman	McInnis
Gonzalez	McKinney
Gordon	McCollum
Green	Meehan
Greenwood	Meek
Gutierrez	Menendez
Hall (OH)	Mfume
Hall (TX)	Miller (CA)
Hamilton	Mineta
Harman	Minge
Hayes	Mink
Hefner	Moakley
Hilliard	Mollohan
Hinchey	Montgomery
Hoagland	Moran
Hochbrueckner	Murtha
Holden	Myers
Houghton	Nadler
Hoyer	Natcher
Hughes	Neal (MA)
Hutto	Neal (NC)
Hyde	Oberstar
Inglis	Obey
Jefferson	Oliver
Johnson (GA)	Ortiz
Johnson (SD)	Orton
Johnson, E. B.	Owens
Kanjorski	Pallone
Kasich	Parker
Kennedy	Pastor
Kennelly	Payne (NJ)
Kildee	Payne (VA)
Kingston	Pelosi
Kleczka	Penny
Klein	Peterson (FL)
Klink	Peterson (MN)
Kopetski	Pickett
Kreidler	Pickle
LaFalce	Pombo
Lambert	Pomeroy
Lancaster	Poshard
Lantos	Price (NC)
LaRocco	Rahall
Laughlin	Ravenel
	Reed

NAYS—154

Allard	Boehlert	DeLay
Archer	Boehner	Diaz-Balart
Armey	Bonilla	Dickey
Bachus (AL)	Bunning	Doolittle
Baker (CA)	Burton	Dorman
Baker (LA)	Calvert	Dreier
Ballenger	Camp	Duncan
Barrett (NE)	Canady	Dunn
Bartlett	Castle	Ehlers
Barton	Clay	Emerson
Bentley	Coble	Ewing
Bereuter	Collins (GA)	Fawell
Bilirakis	Cox	Fields (TX)
Bliley	Crapo	Fowler
Blute	Cunningham	Franks (CT)

Franks (NJ)	Levy	Roth
Galleghy	Lewis (CA)	Roukema
Gallo	Lewis (FL)	Royce
Gekas	Lightfoot	Saxton
Gilchrest	Linder	Schaefer
Gingrich	Livingston	Schroeder
Goodlatte	Machtley	Sensenbrenner
Goodling	Manzullo	Shaw
Goss	McCandless	Shays
Grams	McHugh	Shuster
Grandy	McKeon	Skeen
Gunderson	McMillan	Smith (MI)
Hancock	Meyers	Smith (OR)
Hansen	Mica	Smith (TX)
Hastert	Michel	Solomon
Hefley	Miller (FL)	Spence
Herger	Molinar	Stearns
Hobson	Moorhead	Stump
Hoekstra	Morella	Sundquist
Hoke	Murphy	Talent
Horn	Nussle	Taylor (MS)
Huffington	Oxley	Taylor (NC)
Hunter	Packard	Thomas (CA)
Hutchinson	Paxon	Thomas (WY)
Inhofe	Petri	Torkildsen
Istook	Porter	Upton
Jacobs	Portman	Vucanovich
Johnson (CT)	Pryce (OH)	Walker
Johnson, Sam	Quillen	Walsh
Kim	Quinn	Weldon
King	Ramstad	Wolf
Klug	Regula	Young (AK)
Knollenberg	Ridge	Young (FL)
Kolbe	Roberts	Zeliff
Kyl	Rogers	Zimmer
Lazio	Rohrabacher	
Leach	Ros-Lehtinen	

NOT VOTING—17

Andrews (TX)	de la Garza	McDade
Brown (CA)	Fish	Rangel
Buyer	Hamburg	Schiff
Coleman	Hastings	Washington
Collins (IL)	Inslee	Whitten
Crane	Kaptur	

□ 1427

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MAZZOLI). Will the gentleman from Texas [Mr. HALL] kindly lead the House in the Pledge of Allegiance?

Mr. HALL of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the instructions of the Speaker, the Chair announces that ten 1-minute statements will be allowed on each side.

POLLY KLAAS CHILD RESCUE ACT

(Ms. WOOLSEY asked and was given permission to address the House for 1

□ This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, today Congressman JAY Dickey and I are introducing legislation that will result in rescuing abducted children and returning them safely to their families.

We are introducing the Polly Klaas Child Rescue Act of 1994 which would provide postage to mail information about children who have been kidnaped by strangers. Our bill pays for postage by cutting the congressional franking budget by 2 percent.

When 12-year-old Polly Klaas was abducted from her home in Petaluma, CA, Polly's family and community immediately wanted to mail her picture nationwide. But, they did not have the funds for postage. They were forced to waste precious time raising money to buy stamps.

We all know that there is a direct connection between distributing information about missing children and the recovery of those children, and that by getting the word out we save children's lives.

Mr. Speaker, there is a war against America's children going on. But for a few extra franking dollars, we can fight back and rescue our kids.

Mr. Speaker, I will forever be heartbroken that we are too late to rescue Polly, but by preventing similar tragedies from happening in any congressional district, Polly's death will not be in vain.

I ask my colleagues to please cosponsor the Polly Klaas Child Rescue Act today.

□ 1430

POLLY KLAAS CHILD RESCUE ACT OF 1994

(Mr. DICKEY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DICKEY. Mr. Speaker, child abductions are a tragic reality in the United States, and the abduction of Polly Klaas brought this fact to the forefront of our society.

Today the gentlewoman from California [Ms. WOOLSEY] and I are introducing the Polly Klaas Child Rescue Act of 1994. This legislation would provide free postage to help families mail out nationwide, pictures and information about an abducted child. The mailing is paid for by a 2 percent spending cut in our congressional franking account.

It is a proven fact that when abducted children have been recovered, it has usually been the result of the distribution of pictures and information about the abducted children. By providing families all of the necessary tools to help find their children, hopefully we can avoid other tragedies and further heartache.

I ask the Members to please join us in cosponsoring the Polly Klaas Child Rescue Act of 1994.

1994's ECONOMIC REALITIES

(Ms. DELAURO asked and was given permission to address the House for 1 minute and two revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last year, when Congress enacted President Clinton's budget, America was subjected to an onslaught of gloom and doom predictions from many Republican Members of this body. One after another they stood at this podium to spout scary scenarios of economic collapse. But, 1 year later, those words have been proven to be nothing more than hollow rhetoric in the light of new economic realities.

"I will tell you, this program will not give you deficit reduction," said one Republican Congressman.

1994's reality: Last year's budget did lower the deficit. And, the \$500 billion in deficit reduction was the largest deficit reduction in history.

"The simple fact is the Clinton plan will not lower interest rates," from yet another Republican.

1994's reality: We have the lowest interest rates in a quarter century.

The lowest interest rates in 25 years, 1.6 million new jobs, and the largest deficit reduction in history, that is the economic reality of 1994. As we embark on the budget debate this year, beware of the old partisan rhetoric that belies our new economic reality.

"Your economic program is a job killer," said one leading Republican.

1994's reality: The budget was a job creator—creating more than 1.6 million new jobs. More jobs were created in the last year than during the entire 4 years of the Bush Presidency.

A SELLOUT WITH A CONSCIENCE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, last week the country learned that accused spy Aldrich H. Ames is not only a sellout, but a sellout that participates in our political process.

Apparently, he thought enough of his country to donate \$5000 to the Democratic National Committee. I think it is appalling to find out that the DNC would not act quicker in light of the fact the Aldrich Ames made the contributions in 1991 and after the Democratic National Convention in 1992. Federal Election Commission records clearly identify Mr. Ames as a contributor. In fact, a spokeswoman for the DNC said "I don't know what's to be embarrassed about."

Well, I do. It's called Blood Money. And, why is it that the New Democratic Party, pledged to change the way Washington operates, has failed to rectify the situation? It is absolutely outrageous to comprehend that KGB money, supplied to Ames, was donated to fund Democratic candidates. I think

the people of this country deserve an explanation.

Mr. Speaker, no one is charging that the DNC knowingly took money from a traitor. However, given the circumstances, the Democratic party should take immediate action to resolve this embarrassing donation and I have a few ideas.

For starters, try sending the money to the CIA Public Service Aid Society which provides interest free loans to families of agents killed in the line of duty.

INTRODUCTION OF THE ETHICS IN BILLING ACT

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, today I am introducing legislation, with the gentleman from North Carolina [Mr. MCMILLAN] that will provide significant health care savings for our constituents. The Ethics in Billing Act would require that bills for ancillary health services, such as laboratory tests, be sent directly to the patient or an insurer, rather than through the physician who orders the services. Medicare already has a direct billing requirement for laboratory services. This bill would extend direct billing to private payers.

The most striking example of the need for this legislation can be found in the laboratory testing industry. Under the present system, physicians can request that laboratories bill them for tests they order for their non-Medicare patients. In most States, it is a common practice for the physicians to request and receive discounts from the laboratory providing this testing. The physicians can then markup the cost of these tests when insurers and patients are billed. This gives the doctor a financial interest in the testing that is ordered. Studies have shown that these mark ups are often unjustified. One survey found an average markup of 139 percent of the price charged by the lab performing the tests. The current system creates incentives that can lead not only to unnecessary laboratory testing, but also to an intolerable level of cost shifting.

Enactment of this bill will have an immediate and positive impact on taxpayers and health care consumers. Direct billing for ancillary services such as laboratory testing will eliminate physician markup and help curb unnecessary utilization and cost shifting.

In the laboratory testing industry alone it is estimated that enactment of a national direct billing law could reduce health care expenditures by between \$2.4 and \$3.2 billion per year due to lower prices and reduced utilization of laboratory testing. The goal of reform must be to provide quality serv-

ices as efficiently as possible. Direct billing achieves this goal by removing the financial incentive from the physician's selection of ancillary health service providers.

I urge my colleagues to join me and the gentleman from North Carolina as cosponsors of the Ethics in Billing Act. This bill will help save an enormous amount of health care dollars. It deserves our support.

THINK

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, before any of my colleagues decide to support the Clinton plan, I urge them to look into the eyes of their constituents and ask the following questions:

"Do you support the idea of the Government running your health care?"

"Are you willing to wait in long lines for necessary and important surgery?"

"Are you ready for the rationing of your family's health care?"

"Do you believe that if your parents get too old, they should be denied health care options now currently available to them?"

"Is it really time for you to pay a 7.9-percent payroll tax to pay for health care for people you don't know?"

"Can we afford to add 70 billion more dollars to our deficit?"

Mr. Speaker, this is what the Clinton health plan will do to every middle-class family in America. Before supporting the Clinton plan, I urge my colleagues to think carefully about these questions.

CHANGING THE TAX CODE COULD CREATE JOBS IN OUR COUNTRY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, experts say the economy is great and getting better, but something does not add up. Hamilton Standard of Connecticut is cutting 500 jobs. Dawson Products of North Carolina is cutting 2,000 jobs. AT&T has announced they will cut 15,000 jobs over the next 2 years.

Now to complicate this, my colleagues, personal income of Americans dropped three-tenths of 1 percent last quarter, and personal spending increased one-half of 1 percent last quarter.

Congress does not need to tamper with the Constitution. Congress has got to change the tax laws that are killing small business, killing investment and killing jobs.

My colleagues, it is the Tax Code, not the Constitution. Congress should keep their hands out of the Constitution and change the Tax Code. It might create some jobs in this country.

GOVERNMENT-RUN HEALTH CARE GOOD FOR BUREAUCRATS BUT BAD FOR AMERICA'S FAMILIES

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, many want us to believe that Government-run health care is good for families.

However, the only ones who will benefit from such a system are Government bureaucrats.

Families lose because they will no longer be able to choose what doctor to see and when.

Families lose because they will not be able to use another health insurance policy or doctor if these are not one of the Government's options.

Families lose because the Government will limit the kinds of treatment and medicine they can seek.

The problems with America's health care system shouldn't be fixed by putting Government bureaucrats between families and their doctors.

Government-run health care may be good for bureaucrats, but it's bad for America's families.

□ 1440

TRUTH-IN-SENTENCING LEGISLATION

(Mr. CHAPMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAPMAN. Mr. Speaker, America needs truth in sentencing. In the avalanche of legislation that has been introduced this year to address the issue of crime in America, one bill which my colleague, the gentleman from Alaska [Mr. YOUNG], and I have introduced will, I think, make a real difference very quickly.

This bill would give States incentives to adopt truth-in-sentencing laws that would require violent and repeat offenders to serve 85 percent of their sentence before they are eligible for early release or parole. The incentives would come in the form of grants to the States to build the prison space that would be needed to house these violent felons.

Statistics tell us that 6 percent of the repeat and violent offenders commit 70 percent of the violent crime in America. This legislation targets that 6 percent of the violent criminals in this country and gives them not 3 strikes, not 2 strikes, but when they are convicted of that violent crime, it will lock them up and keep them there. It is commonsense legislation that I hope my colleagues will examine, and I urge the Members to cosponsor H.R. 3584.

Mr. Speaker, before this job I was a district attorney, and I can tell the Members that nothing will work better

and more quickly to stop violent crime in America than truth in sentencing.

THE NO-CHOICE CLINTON HEALTH PLAN

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Mr. Speaker, according to a new poll, 8 in 10 Americans fear the quality of their health care will decline under the Clinton health care plan. That is 80 percent, and the American people are right. The Clinton plan, with its farfetched global budget ratcheted in and its disincentive for medical research, will irreparably harm the American health care system.

In fact, some have called it the no-choice plan—no choice in physicians, no choice in hospitals, no choice in providers, and no choice who is going to go to medical school on scholarships, all kinds of no choices for American consumers and all kinds of power for the bureaucracy.

Furthermore, the employer mandates will mean one thing—loss of jobs.

Mr. Speaker, the American people are right about the Clinton plan. The more they understand it, the more they do not like it. Let us go with the Michel alternative which reforms only those parts of our health care system that are broken and does not sacrifice American jobs.

SUPPORT URGED FOR COMMITTEE APPROACH TO ILLEGAL ALIENS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, later today, or possibly tomorrow, we will take up a package of two amendments offered by the gentleman from California [Mr. ROHRBACHER] dealing with illegal aliens and with using the school systems to identify them in order to deny funding for the education of these children.

I realize the frustration many of us feel as we see a situation in which we do not have control of our borders. There are many people who are in our country illegally who are consuming social welfare programs, educational programs, and health care programs, all to the diminution of the available funds for our own citizens and residents.

I hope, however, that our colleague will not accept those amendments and will join with me and other members of my Subcommittee on International Law and Immigration in trying to fashion a bill that will keep people out of this country who are seeking to enter illegally and to reform, as I hope we will, the asylum laws to make sure people do not play games or abuse the

system, to improve the Border Patrol so people are apprehended as they enter the country, and to have employer sanctions strengthened with more teeth so that the job lure is turned off which lures people, in some cases, across the border into the United States.

Again I realize the frustration and torment that many of my colleagues are feeling, but I hope they can hold off on that and not accept the gentleman's amendments and try to support us in our efforts to make the system better by keeping the people without documents out of the country in the first place.

CURRENT WELFARE POLICIES SAID TO ENCOURAGE POVERTY

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute.)

Mrs. MEYERS of Kansas. Mr. Speaker, yesterday in a "Dear Colleague" I shared this poverty statistic with my colleagues:

A recent study compared two groups of Americans: those who finished high school, got married and reached age 20 before having their first child, and those who didn't. Of the children of those in the first group, only 8% were living in poverty in 1992. In the second, the poverty rate was 79%.

I read this alarming information in a William Raspberry column last week. Please watch for my "Dear Colleague" and read the Raspberry article. We know that the teenage out-of-wedlock birth rates are growing at an disastrous rate. In fact, many believe our current welfare policies, which were put in place to fight poverty, actually encourage poverty. Let us put the brakes on out-of-wedlock births. Cosponsor H.R. 1293. Fight poverty proactively.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3421

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Pennsylvania [Mr. GREENWOOD], who was inadvertently added as a cosponsor of the bill, H.R. 3421, which I introduced, be removed.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Texas?

There was no objection.

TOUGH CHOICES

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, critics have pulled out all the rhetorical stops in their misguided attempts to defeat the balanced budget amendment.

Perhaps none of the critics' claims is more wrong than that this amendment would be a substitute for tough choices and accountability.

This amendment will only be a substitute for tough choices if it doesn't pass. If it does pass, then the tough choices will have to be made, and no one will be held more accountable than those who voted for it.

What solutions are amendment critics proposing?

They say to do nothing and count on the economy to fix the deficit.

The question then becomes: What will improve our economy faster? A government that spends more than it takes in or a private sector that gets to spend more of what it takes in?

I believe that the latter will, and I believe the Members who support this amendment and the American people who pay the bills agree with me.

MANAGED COMPETITION—MORE MANAGEMENT, LESS COMPETITION

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, today my colleagues will be getting a letter from me explaining the downfalls of managed competition as offered by our colleague from Tennessee. As we all know, this concept of reforming our health care system has received much attention and support of late not because of its merits, but because of its compromised nature.

Mr. Speaker, the Cooper plan contains elements of the President's plan which will harm the way Americans receive health care. Just ask the Tennessee Valley Authority and the residents in Tennessee. Proponents of managed competition often cite the TennCare plan in Tennessee as an example of where managed competition will lead us. To those of us who question the soundness of managed competition, it is not surprising that Tennesseans are worried about the effects of TennCare. The Cooper plan contains: excessive governmental regulation; community rating; a National Health Board that will decide what benefits all Americans must receive; and higher taxes on employers who wish to provide health benefits which may be more generous than what the National Health Board deems to be necessary. And, oh yes, Mr. Speaker, the Cooper plan will mean less choices, not more choices for our citizens.

Mr. Speaker, this bill is more management and less competition. Mr. Speaker, this proposal will not bring good things to life. Just ask General Electric's CEO, Jack Welch. I quote:

If you believe Government operated purchasing alliances in 50 States can weed out billions in waste, go visit your local motor vehicle department.

Is there an alternative to more Government bureaucracy and regulation? Yes—the Chattanooga Free Press in Tennessee is but 1 of over 150 editorial boards from across the country that have endorsed H.R. 3698, the Consumer Choice Health Security Act of 1993. I urge all of my colleagues to review and support this free market alternative.

□ 1450

THE SPIRIT OF 76

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, opponents argue that a balanced budget amendment is a cheap fix which will wreak havoc with our budget and our Constitution.

I cannot help but wonder what kind of havoc an impending \$6 trillion national debt will have on our budget and our Constitution. It is certainly a fair debate whether Congress requires the discipline of a constitutional amendment to force a balanced budget, and we will be having that debate in this very body in just a few weeks. But there is no debate that Congress has the responsibility today for curtailing unnecessary spending to help restore fiscal order.

Mr. Speaker, I have presented to the Budget Committee and will soon introduce legislation which presents a package of 76 spending cut suggestions for a savings of \$285 billion over 5 years that can and should be debated on this floor. Some of these cuts are more controversial than others, but the point is that I—and many of my colleagues—are willing to get down to the specifics of budget cutting. And we are ready to start today, and America is asking us to.

RECOGNIZING EFFORTS OF CARRIE LOCICERO AND THE SISTERS OF GETTYSBURG ALPHA DELTA PI

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I rise today to call the attention of my colleagues to a very special project underway on the campus of Gettysburg College.

Across the college last week, the sisters of Alpha Delta Pi devoted themselves to educating Gettysburg students as to the tragedy and personal impact of gun violence, and encouraging them to send their message to end this violence to Congress.

I take a personal interest in this, Mr. Speaker, as the Alpha Delta Pi sorority has dedicated its efforts to the loss of the Locicero family, of Hawthorne, NJ. Jack and Arlene Locicero lost their

daughter, Amy Locicero Federici, in the Long Island Rail Road massacre.

Amy's sister Carrie Locicero, a 21-year-old student at Gettysburg and sister of Alpha Delta Pi, has been an energetic and enthusiastic supporter and advocate of this program.

The response on Gettysburg's campus last week was overwhelming, as hundreds of students and faculty members sent their message to Washington. The sisters of Alpha Delta Pi now plan to bring their project to the national chapter, with the hope of involving all national chapters of the sorority.

My colleagues, the need to take action on firearm violence has never been more pressing. Jack, Arlene, and Carrie Locicero have each made it their personal commitment to ensure that Amy's death not be just another statistic.

As we saw this week, we have taken the first step by enacting the Brady bill national handgun waiting period. It is now time to take the next step and take action to ban those semiautomatic assault weapons, the weapons of war.

Our colleagues in the other body have taken action, by including the Feinstein amendment in its crime bill. This amendment is a commonsense measure that prohibits the manufacture, sale, and future ownership of specifically-named weapons of war—those guns which have no legitimate sporting purposes.

The Secretary of the Treasury today announced that three of the most egregious weapons—the Streetsweeper, the Striker, and the USAS—will now be under strict Government regulation, because they bear no sporting purpose.

I urge my colleagues to follow this lead, and enact the Feinstein amendment, and comprehensive assault weapons provisions as part of our anticrime strategy.

While our hearts go out to the Locicero family, and all those who lost friends and loved ones in the LIRR massacre, I make special note today of Carrie and her sorority sisters' efforts to focus attention on this issue.

Let us act on the lessons of this tragedy as are the Lociceros and the sisters of Gettysburg Alpha Delta Pi. Amy's death must not be another statistic. It must lead us to attack this epidemic of violence sweeping our country.

It is said that education is the first weapon in any war. As we battle to end handgun violence, the strength and voices of the Locicero's and the sisters of Gettysburg Alpha Delta Pi encourage us to continue the fight, and take action against this national epidemic.

ABUSE OF TAXPAYERS' TRUST

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, I was outraged to learn that the mayor of the District of Columbia spent \$14,650 of taxpayers' dollars to pay for her own personal makeup artist. The artist is a former campaign worker of the mayor and was awarded a \$5,000 noncompetitive contract to serve as a makeup artist to the mayor at the rate of \$65 an hour.

This body, Mr. Speaker, provides Federal funds for nearly 19 percent of the D.C. budget. That means the Federal taxpayer paid this makeup artist \$2,740 to powder Her Honor's face. It is time these abuses stop.

Mr. Speaker, I am not singling out the D.C. government for my wrath. Last year, I voted over 150 times to cut \$127 billion in unnecessary Federal spending. It is time to get our priorities straight and only fund those programs necessary for the operation of the Federal Government. I am going to make it a point to periodically report on abuses of the taxpayer's trust. The Mayor has egg on her face and it will not be covered up with powders furnished by the taxpayers.

CABINET OFFICIALS LOBBYING FEDERAL EMPLOYEES

(Mr. ARCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCHER. Mr. Speaker, who exactly supports the Clinton health care plan? Why the Secretary of Education, of course—just ask his employees.

I come to the House floor today to ask for an explanation of a letter signed by Secretary Richard Riley that was issued to all employees at the Department of Education. In that letter, the Secretary took time out of his busy schedule to explain the "unfortunate confusion and misunderstanding about the President's health care proposal." The letter introduces a 23-page color brochure which provides a glowing summary of the President's plan for a Federal takeover of the United States health care system.

I certainly believe that all citizens should be alerted to the impact of the President's plan. However, I am deeply concerned about the propriety of Federal workers being lobbied out of work by their boss. More importantly, I am interested in knowing just who or what public or private organization paid for these brochures and what was the purpose of their distribution?

This action is clearly an abuse of a Cabinet position. Just because the White House seems to be the only organization in America that still backs the Clinton health plan doesn't legitimize the practice of Cabinet officials lobbying Federal employees on Government time.

REFERRAL OF COMMUNICATION TO COMMITTEE ON APPROPRIATIONS AND COMMITTEE ON FOREIGN AFFAIRS

Mr. OBEY. Mr. Speaker, I ask unanimous consent that executive communication No. 2199, a communication from the Department of State transmitting a report pursuant to 22 U.S.C. 2413(a) relative to allocations of foreign assistance, be rereferred jointly to the Committees on Appropriations and Foreign Affairs.

This communication was mistakenly referred solely to Appropriations. This report, authorized under the Foreign Assistance Act, has historically been referred jointly to Foreign Affairs and Appropriations.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERMITTING USE OF FUNDS FOR SEISMIC RETROFIT OF BRIDGES

Mr. RAHALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1789) to amend title 23, United States Code, to permit the use of funds under the highway bridge replacement and rehabilitation program for seismic retrofit of bridges, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. PETRI. Mr. Speaker, reserving the right to object, I do not intend to object, but I yield to the chairman of the Subcommittee on Surface Transportation, the gentleman from West Virginia [Mr. RAHALL], for an explanation of the bill.

Mr. RAHALL. Mr. Speaker, S. 1789 as passed by the Senate on February 7, provides for relatively minor adjustments to the Highway Bridge Replacement and Rehabilitation Program. This adjustment would enable a State to use its HBRRP funds for the seismic retrofit of a bridge, regardless of whether or not the bridge is structurally deficient or structurally obsolete. In effect, under this legislation, a State at its discretion may practice preventive medicine to those bridges which are located in earthquake prone areas.

Mr. Speaker, it should also be noted that this legislation does not change the program's apportionment formula. As such, the current level of HBRRP funds each State receives shall remain unchanged.

I assure the gentleman that the legislation is budget neutral and is supported by the administration.

Mr. PETRI. Mr. Speaker, further reserving the right to object, I yield to the ranking minority member, the gen-

tleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, there is one point that I wish to emphasize very strongly here, and it is that this legislation does not change the apportionment of funds to the States. Therefore, no State will either gain funds or lose funds as a result of this legislation.

Mr. Speaker, this simply gives those States affected, California most significantly, for example, the flexibility of spending its funds as it decides are most necessary.

Because it does not affect apportionment to other States, and because it does give increased flexibility, I strongly support this legislation.

Mr. PETRI. Mr. Speaker, further reserving the right to object, I yield to the chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I rise in strong support of S. 1789, a bill to permit the use of funds under the Highway Bridge Replacement and Rehabilitation Program for seismic retrofit of bridges.

One of the underlying principles of the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA] was to enhance flexibility so that States could better meet our Nation's varied and critical transportation needs. An example of that flexibility is a provision in the law making bridge funds under the Federal Highway Bridge Rehabilitation and Replacement Program [HBRR] eligible for seismic retrofitting activities. However, subsequent to enactment of ISTEA, the Federal Highway Administration [FHWA] interpreted the ISTEA language as prohibiting the use of bridge program funds for seismic retrofitting activities unless the particular bridge is determined to be structurally deficient.

S. 1789, as passed by the Senate, is intended to rectify this serious inequity in FHWA's interpretation by allowing a State to use funds for the seismic retrofit of a bridge without regard to whether the bridge is determined to require replacement or rehabilitation for nonseismic reasons.

Thus, S. 1789 simply gives States the flexibility to use their annual bridge apportionments for seismic retrofit of any bridge. In doing so, S. 1789 does not alter, directly or indirectly, the formula used in apportioning bridge program funds. In addition, the intent of the bill is that a bridge only in need of seismic retrofitting and not otherwise deficient is not to be considered deficient for purposes of the bridge apportionment calculation. Each year the apportionment of HBRR funds would continue to be based, as at present, on the unmet needs to replace or rehabilitate structurally deficient or functionally obsolete bridges in each State.

S. 1789 enjoys widespread support. It was passed by the Senate without objection and on a bipartisan basis; and it is supported by the administration. On this point, Mr. Speaker, I ask unanimous consent that a letter of support from the Department of Transportation be included in the RECORD following my remarks.

This bill is virtually identical to legislation I introduced a year ago and is similar to legislation I proposed in earlier years.

Mr. Speaker, the recent California earthquakes have demonstrated the vulnerability of our infrastructure to natural disasters.

In the Loma Prieta Earthquake of 1989, both the Cypress Viaduct and the San Francisco Bay Bridge suffered severe damage. In fact, two-thirds of the 63 people who died in that earthquake perished when the viaduct collapsed.

As a result of the Northridge Earthquake, 12 bridges were damaged, including the collapse of the Interstate 5 and Golden Gate Freeway Bridges, which severely disrupted the major north-south artery for the Los Angeles basin.

There are 24,000 bridges in my State of California. More than 9,770 of these were constructed before the higher earthquake building code. The State Department of Transportation has determined that about 1,500 bridges will need seismic retrofit and of these, about 300 are not otherwise structurally deficient. California needs over \$1.5 billion to correct seismic deficiencies on its bridges yet while it receives about \$127 million a year from the Highway Bridge Rehabilitation and Repair Program, it cannot spend any of these funds on those 300 bridges because of the current interpretation of the law. No one who has ever experienced or seen pictures of the devastation inflicted by an earthquake could understand why the Federal Government would not permit funds to be used for seismic protection of bridges.

The fact is that not only should we be doing this, but that seismic retrofit works. Again, no better example exists than the span of Interstate 10 at Venice-La Cienega in California. The east and west-bound lanes are held up by separate bridges. After the Northridge Earthquake, the span that had seismic protection was still standing. The lanes where this protection had not yet been retrofitted collapsed.

Also, one other important fact is that S. 1789 does not target just one part of the country or one State. It would establish a national policy that would be available to all States. For example, no bridge in the Eastern United States has been built with seismic safety in mind, yet can any one of us assume that an earthquake of significant magnitude will never hit that area? The fact is that 16 States, as far east as Kentucky and Tennessee, are

considered to be either at a high or a very high risk of earthquake damage. The strongest U.S. earthquake in recorded history was centered in Missouri.

Mr. Speaker, by enacting S. 1789 the Congress will be affirming an important policy tenet: the value of investment and preventive maintenance. The fact is that when we fail to seismically retrofit a bridge and it subsequently collapses, we pay the far greater cost of rebuilding it. By allowing the opportunity to make relatively minor investments in bridge structures now, we will inevitably save money and, more importantly, lives, in the future. It is a small cost to pay now compared to the costs we could face in the years to come. I urge passage of this much-needed legislation.

I included for the RECORD a letter from Stephen Kaplan of the Department of Transportation.

U.S. DEPARTMENT OF TRANSPORTATION,
Washington, DC, January 26, 1994.

Hon. MAX BAUCUS,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Transportation would like to submit the following comments in support of S. 1789, a bill to permit the use of funds under the Highway Bridge Replacement and Rehabilitation Program (HBRRP) for seismic retrofit of bridges.

S. 1789 would enable California, as well as other States, to use HBRRP funds on non-deficient bridges to meet critical seismic retrofit needs. S. 1789 would not alter HBRRP apportionments.

The Department supports S. 1789. We will be happy to work with the Committee on this legislation. The Office of Management and Budget has advised that, from the standpoint of the Administration's program there is no objection to the submission to Congress of the Department's views on this legislation.

Thank you for the opportunity to comment on S. 1789.

Sincerely,

STEPHEN H. KAPLAN,
General Counsel.

Mr. PETRI. Mr. Speaker, further reserving the right to object, S. 1789 is a simple bill which would allow bridge program funds to be used for the seismic retrofit of a bridge, even if the bridge is not considered deficient. It does not increase funding for the program, and the formula used in apportioning bridge funds to any State will not be altered by this bill.

The recent experience in California demonstrated that bridges where a seismic retrofit project has been completed did perform well in the earthquake, so I urge the House to pass S. 1789 today.

□ 1500

Mr. McKEON. Mr. Speaker, will the gentleman yield?

Mr. PETRI. I am delighted to yield to my colleague, the gentleman from California [Mr. McKEON].

Mr. McKEON. Mr. Speaker, as the Members know, the epicenter of the re-

cent earthquake was in my district in Northridge, CA. I have seen first hand the tremendous damage which impacted many of the freeways in the San Fernando and Santa Clarita Valleys. Repairing the freeway damage alone will probably cost over \$1 billion. In order for this expenditure to be worthwhile, the State of California must have the flexibility to spend money to seismically retrofit bridges where the greatest need exists. Unless the California Department of Transportation has the ability to make retrofit decisions free from federal constraints, the taxpayers will not get their money's worth from this expense. Because flexibility for states to make these decisions was one of the foundations of the 1991 Intermodal Surface Transportation and Efficiency Act, I commend my fellow members of the Public Works and Transportation Committee for expediting consideration of S. 1789, and urge unanimous approval of this bill.

Mr. Speaker, I urge unanimous approval of this bill.

Mr. KIM. Mr. Speaker, I rise in support of S. 1789. This bill is vitally important to California. Passage would permit the expenditure of Federal-aid highway funds for the seismic retrofitting of bridges. Under current law, States cannot use Federal funds for seismic retrofitting—only for structurally deficient or functionally obsolete bridges. The recent Northridge earthquake demonstrated that bridges that have not been retrofitted will, in fact, collapse.

As an engineer, I can tell you that unretrofitted bridges are structurally deficient. Of the 10 bridges that collapsed, 9 had already been determined to be in need of seismic retrofitting.

The California Department of Transportation [CALTRANS] has developed a good seismic retrofit program that has investigated and prioritized over 24,000 bridges. But because of budgetary problems, California has been forced to spread the seismic retrofit program over a period of 3 years. While CALTRANS estimates that the program will cost over \$1.5 billion, it is far less than we are going to spend to restore the damaged highways.

Governor Wilson has estimated the damage at \$15 to \$30 billion. The damage to the transportation system was in excess of \$2 billion. But I am here to tell you that this disaster could have been much worse; 106 other bridges in the Los Angeles area are also in need of seismic retrofitting. And had we completed these retrofittings prior to the Northridge earthquake, it is very likely that we only would have lost the one bridge that was directly on top of the fault line.

S. 1789 is a prudent bill that will allow the State of California to accelerate this desperately needed program. It is a preventative measure that will ultimately save tens of thousands of lives.

Ms. FURSE. Mr. Speaker, I rise today in strong support of S. 1789. Mr. RAHALL, chairman of the Surface Transportation Subcommittee, deserves our credit for helping to move so expeditiously on this legislation. S.

1789 will allow States expanded use of Federal funds to retrofit their bridges.

This is important legislation. Retrofitting bridges is an investment which saves literally billions of dollars in the long-term. In Oregon, according to our State transportation agency, we have 2,000 bridges which need to be retrofitted to withstand a seismic disturbance. If an earthquake were to knock out one or two key bridges across the Columbia or Willamette Rivers in my district, economic trade and commerce from Canada to Mexico would be seriously affected—in many cases suspended completely. The economy of the entire west coast of the North American Continent would suffer. The legislation before us today helps us address the potential for large-scale economic upheaval by utilizing foresight and allowing States to pursue state-wide bridge retrofitting plans. It will save money and lives, and deserves our support.

Earlier this year, I had the honor of being named to the Task Force on Disasters—where I serve with Public Works Chairman MINETA—to grapple with some of these issues. I look forward to working with him on these issues on the task force, and urge my colleagues to support S. 1789 today.

Mr. PETRI. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SEISMIC RETROFIT OF BRIDGES.

Section 144 of title 23, United States Code, is amended—

(1) in the third sentence of subsection (d), by inserting before the period at the end the following: “, except that a State may carry out a project for seismic retrofit of a bridge under this section without regard to whether the bridge is eligible for replacement or rehabilitation under this section”; and

(2) in subsection (e), by adding at the end the following new sentence: “The use of funds authorized under this section to carry out a project for the seismic retrofit of a bridge shall not affect the apportionment of funds under this section.”

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on S. 1789, the Senate bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

REQUEST FOR CONSIDERATION OF S. 636, FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1993

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 636) to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, I take this time to ask the gentleman why this action is necessary, since the House debated and passed its own version of the clinic access bill last year.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, the purpose of the request really is just to permit us to go to conference on the bill. When the House originally passed the bill last session, it was our hope that we would not need a conference at all. Subsequent events have led us to the point where a conference is necessary to resolve it. There are some differences in the two bills that we can resolve in a conference without further debate.

Mr. SENSENBRENNER. Further reserving the right to object, Mr. Speaker, since the House acted last session on the clinic access bill, the Supreme Court rendered a unanimous decision that subjects people who protest in front of abortion clinics to treble damages under the law. Since both the Senate version and the House version of this bill create a new Federal cause of action civilly with treble damages, as well as subject these people to Federal criminal penalties, does not the gentleman from Texas [Mr. BROOKS] feel that the combination of these three types of penalties is a bit of an overkill?

Mr. BROOKS. If the gentleman will continue to yield, sometimes it depends on who they are killing, whether it is doctors or patients, but we can resolve the differences, I believe, between them.

Mr. SENSENBRENNER. Further reserving the right to object, Mr. Speaker, I think there are adequate State and Federal laws to take care of those who are killing doctors and patients, so the concern that many of us have expressed on this is, this has a chilling effect on first amendment rights to those who take one particular side on one particular issue.

Mr. BROOKS. Will the gentleman yield on that question?

Mr. SENSENBRENNER. I yield on that question.

Mr. BROOKS. Mr. Speaker, to my friend I would say that he recalls the difficulties. The testimony reflected in the hearings was that in some areas, where there is controversy about this issue, sometimes the officials in that area were not as industrious as they might have been in enforcing the local law which would have prevented it, but they allowed it pretty much tacitly to happen, and that is what we are trying to avoid.

Mr. SENSENBRENNER. Further reserving the right to object, Mr. Speaker, it appears that the chairman of the Committee on the Judiciary, my distinguished friend, is enunciating the Democratic crime package so far just aimed at people who protest in front of abortion clinics.

Mr. Speaker, I would be the last one to want to stand in the way at this time of advancing this Democratic crime package, so I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. SMITH of New Jersey. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

IMPROVING AMERICA'S SCHOOLS ACT OF 1994

The SPEAKER pro tempore. Pursuant to House Resolution 366 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6.

□ 1504

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6) to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, with Mr. DARDEN (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, February 24, 1994, the amendments en bloc offered by the gentleman from Michigan [Mr. KILDEE] had been disposed of.

The Clerk will designate title I.

The text of title I is as follows:

"TITLE I—IMPROVED EDUCATION FOR DISADVANTAGED CHILDREN

"SEC. 1001. DECLARATION OF POLICY AND STATEMENT OF PURPOSE.

"(a) STATEMENT OF POLICY.—The Congress declares it to be the policy of the United States that a high-quality education for all persons and a fair and equal opportunity to obtain such education—

"(1) are a societal good necessary for creating a vibrant future for our complex and diverse democracy and for meeting the challenge of an internationally competitive economy;

"(2) are a private good because individual opportunity is greatly enhanced by being well educated;

"(3) are a moral imperative in our society and simple justice demands that the opportunity to acquire skills and knowledge deemed necessary for basic citizenship and economic opportunity be equally available to all; and

"(4) improve the life of every person, because the quality of individual lives ultimately depends on the quality of the lives of others.

"(b) RECOGNITION OF NEED.—The Congress recognizes that—

"(1) although the achievement gap between disadvantaged children and other children has been reduced by half over the past two decades, a sizable gap remains, and many segments of our society lack the opportunity to become well educated;

"(2) the most urgent need for educational improvement is in schools with high concentrations of children from low-income families and achieving the National Education Goals will not be possible without substantial improvement in these schools;

"(3) educational needs are particularly great for low-achieving children in the highest-poverty schools, children with limited English proficiency, children of migrant workers, Indian children, children who are neglected or delinquent, and young children and their parents who are in need of family-literacy services; and

"(4) while title I and other programs funded under this Act contribute to narrowing the achievement gap between children in high-poverty and low-poverty schools, such programs need to become even more effective in improving schools in order to enable all children to achieve high standards.

"(c) WHAT HAS BEEN LEARNED.—To enable schools to provide all children a high-quality education, this title builds upon what has been learned:

"(1) All children can master challenging content and complex problem-solving skills and research clearly shows that children, including low-achieving children, can succeed when expectations are high and they are given the opportunity to learn challenging material.

"(2) Conditions outside the classroom such as hunger, unsafe living conditions, homelessness, unemployment, violence, inadequate health care, child abuse, and drug and alcohol abuse can adversely affect children's academic achievement and must be addressed through the coordination of services, such as health and social services, in order for the Nation to meet the National Education Goals.

"(3) A better understanding of the principles of good health can help children and adolescents succeed in school, become active, productive members of society, and successfully compete in a rapidly changing global economy. Schools that provide quality physical and health education contribute to enhanced knowledge, behavior, and fitness of children and adolescents.

"(4) Use of low-level tests that are not aligned with schools' curricula fails to provide adequate information about what children know and can do and encourages curricula and instruction that focus on the low-level skills measured by such tests.

"(5) Resources are more effective when they ensure that children have full access to effective regular school programs and receive supplemental help through extended-time activities.

"(6) The disproven theory that children must first learn basic skills before engaging in more complex tasks continues to dominate strategies

for classroom instruction, resulting in emphasis on repetitive drill and practice at the expense of content-rich instruction, accelerated curricula, and effective teaching to high standards.

"(7) Intensive and sustained professional development for teachers and other school staff (focused on teaching and learning and on helping children attain high standards) is too often not provided.

"(8) Insufficient attention and resources are directed toward the effective use of technology in schools and the role it can play in professional development and improved teaching and learning.

"(9) All parents can contribute to their children's success by helping at home and becoming partners with teachers so that children can achieve high standards.

"(10) Decentralized decisionmaking is a key ingredient of systemic reform. Schools need the resources, flexibility, and responsibility to design and implement effective strategies for bringing children to high levels of performance and should accept responsibility to do so.

"(11) Opportunities for students to achieve high standards can be enhanced through a variety of approaches such as public school choice and public charter schools.

"(12) Attention to academics alone cannot ensure that all children will reach high standards. The health and other needs of children that affect learning are frequently unmet, particularly in high-poverty schools, thereby necessitating coordination of services to better meet children's needs.

"(13) Resources provided under this title can be better targeted on the highest-poverty local educational agencies and schools that have children most in need.

"(d) STATEMENT OF PURPOSE.—The purpose of this title is to enable schools to provide opportunities for children served to acquire the knowledge and skills contained in the rigorous State content standards and to meet the challenging State performance standards developed for all children under the Goals 2000: Educate America Act or, in their absence, under this title. This purpose shall be accomplished by—

"(1) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach such standards;

"(2) providing children an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time so that children served under this title receive at least the classroom instruction that other children receive;

"(3) promoting schoolwide reform and ensuring access of children (from the earliest grades) to effective instructional strategies and challenging academic content that includes intensive complex thinking and problem-solving experiences;

"(4) significantly upgrading the quality of curricula and instruction by providing staff in participating schools with substantial opportunities for intensive and sustained professional development;

"(5) coordinating services under all parts of this title with each other, with other educational services, and, to the extent feasible, with health and social service programs funded from other sources;

"(6) affording parents meaningful opportunities to participate in the education of their children at home and at school;

"(7) distributing resources, in amounts sufficient to make a difference, to schools where needs are greatest;

"(8) improving accountability, as well as teaching and learning, by using State assessment systems designed to measure how well chil-

dren are achieving high State standards of performance expected of all children; and

"(9) providing greater decisionmaking authority and flexibility to schools and teachers in exchange for greater responsibility for student performance.

"SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

"Appropriations are authorized for the following programs and activities under this title:

"(1) **LOCAL EDUCATIONAL AGENCY GRANTS.**—For the purpose of carrying out part A of this title, other than sections 1117, and 1120(d), there are authorized to be appropriated \$7,400,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(2) **EVEN START.**—For the purpose of carrying out part B of this title, there are authorized to be appropriated \$18,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(3) **EDUCATION OF MIGRATORY CHILDREN.**—For the purpose of carrying out part C of this title, there are authorized to be appropriated \$310,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(4) **PREVENTION AND INTERVENTION SERVICES FOR DELINQUENT YOUTH AND YOUTH AT RISK OF DROPPING OUT.**—For the purpose of carrying out part D of this title, there are authorized to be appropriated \$40,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(5) **CAPITAL EXPENSES.**—For the purpose of carrying out section 1120(d) of this title, there are authorized to be appropriated \$41,434,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(6) **SCHOOL IMPROVEMENT.**—For the purpose of carrying out the activities authorized in section 1117 of this title, there are authorized to be appropriated \$30,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(7) **FEDERAL ACTIVITIES.**—(A) For the purpose of carrying out section 1501 of this title, there are authorized to be appropriated \$9,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(B) For the purpose of carrying out sections 1502 and 1503 of this title, there are authorized to be appropriated \$20,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"PART A—BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

"Subpart 1—Basic Program Requirements

"SEC. 1111. STATE PLANS.

"(a) **PLANS REQUIRED.**—(1) Any State desiring to receive a grant under this part shall submit to the Secretary a plan, developed in consultation with local educational agencies, teachers, administrators, and parents, that—

"(A)(i) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; and

"(ii) is integrated with other State plans, if any, under the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, to the extent that these plans have not already been incorporated in the State's plan under title III of the Goals 2000: Educate America Act; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan—

"(i) is integrated with other State plans under this Act and other plans, including those under the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, where such plans exist; and

"(ii) satisfies the requirements of this section. (2) The plan may be submitted as part of a consolidated application under section 9302.

"(3) A State may satisfy all or part of the requirements of this section by referencing applicable sections of its approved State plan under title III of the Goals 2000: Educate America Act.

"(b) **STANDARDS AND ASSESSMENT PROVISIONS.**—(1)(A) Each State plan shall demonstrate that the State has developed or adopted high-quality standards for children served under this title that will be used by the State, its local educational agencies, and its schools to carry out this Act and that these standards be as challenging and of the same high-quality as they are for all children. These standards shall include—

"(i) challenging content standards in the core academic subjects that—

"(I) specify what children served under this title are expected to know and be able to do;

"(II) contain coherent and rigorous content; and

"(III) emphasize the teaching of advanced skills;

"(ii) challenging performance standards that—

"(I) are aligned with the State's content standards;

"(II) describe two levels of high performance, 'proficient' and 'advanced', that determine how well children served under this title are mastering the material in the content standards; and

"(III) include a third benchmark below proficient, if necessary, to provide complete information about the progress of the lower-performing children toward achieving the high 'proficient' and 'advanced' performance standards; and

"(iii) opportunity to learn standards that address—

"(I) the quality and availability of curricula, instructional materials, and technologies for all students served under this title;

"(II) the capability of teachers to provide high-quality instruction to all students served under this title;

"(III) the extent to which teachers, principals, and administrators have ready and continuing access to professional development, including the best knowledge about teaching, learning and school improvement;

"(IV) the extent to which curricula, instructional practices, and assessments for students served under this title are aligned to content standards;

"(V) the extent to which school facilities provide a safe and secure environment for learning and instruction and have the requisite libraries, laboratories, and other resources necessary to provide students served under this title an opportunity to learn;

"(VI) the extent to which schools which receive funds under this title utilize policies, curricula, and instructional practices which ensure nondiscrimination on the basis of gender;

"(VII) the capability of local educational agencies and schools to comply with the requirements in section 1112(c)(3) with respect to addressing the comprehensive needs of children and the requirements of section 1114(b) or section 1115(c), whichever is applicable; and

"(VIII) such other factors that the State deems appropriate to ensure that students served under this title receive a fair opportunity to achieve the knowledge and skills described in content and performance standards adopted by the State.

"(B) For those core academic subjects in which a State has not adopted challenging content and performance standards, the State plan shall include a schedule for their development that includes the completion of standards in mathematics and reading/language arts by the end of the interim period as described in paragraph (8).

"(2)(A) Each State plan shall demonstrate, based on assessments described under paragraph (3), what constitutes adequate yearly progress of—

"(i) any school served under this part toward enabling children to meet the State's 'proficient' and 'advanced' performance standards; and

"(ii) any local educational agency that received funds under this part toward enabling children in schools receiving assistance under this part to meet the State's 'proficient' and 'advanced' performance standards.

"(B) Adequate yearly progress shall be defined in a manner—

"(i) that is consistent with criteria of general applicability established by the Secretary and results in continuous and substantial yearly improvement for economically disadvantaged, limited-English proficient, and all students under this title in each school and local educational agency toward the goal of all children under this title meeting the State's challenging 'advanced' performance standards; and

"(ii) links progress primarily to performance on the assessments carried out under this section while permitting progress to be established in part through the use of other outcome-based measures such as reductions in drop-out rates.

"(3) Each State plan shall demonstrate that the State has developed or adopted a set of high-quality, yearly student assessments that will be used as the primary means of determining the yearly performance of each local educational agency and school receiving assistance under this part in enabling children served under this title to meet the State's performance standards and that these assessments be challenging and of the same high-quality as they are for all children. These assessments shall—

"(A) be aligned with the State's challenging content and performance standards and provide coherent information about student attainment of such standards;

"(B) be used for purposes for which they are valid and reliable, and be consistent with relevant nationally recognized professional and technical standards of assessments;

"(C) shall measure the proficiency of students in the core academic subjects in which a State has adopted challenging content and performance standards and be administered at some time during—

"(i) grades 3 through 5;

"(ii) grades 6 through 9;

"(iii) grades 10 through 12.

"(D) be comprised of multiple, up-to-date measures of student performance;

"(E)(i) include limited-English proficient students who shall be assessed, to the extent practicable in the language and form most likely to yield accurate and reliable information on what these students know and can do, to determine their mastery of skills in subjects other than English;

"(ii) include students who have been resident in a local educational agency for a full academic year but have not attended a single school for a full year, provided that the performance of students who have attended more than one school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency; and

"(iii) include students with disabilities who shall be assessed, to the extent practicable, in a manner and form most likely to yield accurate

and reliable information on what these students know and can do, including assessment accommodations and modifications necessary to make such determinations, provided that those students who are determined, through valid evaluation conducted by qualified personnel, to be so severely cognitively impaired as to permanently lack the capacity to make any educational progress, with the provision of special education and related services, in meeting the State content and performance standards may be exempted from the assessment process;

"(F) provide individual student scores; and

"(G) provide for disaggregated results within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, and by economically disadvantaged students as compared to students who are not economically disadvantaged.

"(4) Each State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student assessments are not available and are needed. The State shall make every effort to develop such assessments and shall notify the Secretary if linguistically-accessible assessment measures are needed. Upon notification, the Secretary shall assist with the identification of appropriate assessment measures in the needed languages through the Office of Bilingual Education and Minority Language Affairs.

"(5) Each State plan shall include a description of how the State will annually evaluate and report to the public about the extent to which local educational agencies and schools within the State which receive funds under this title meet the State's opportunity-to-learn standards.

"(6) If a State has developed or adopted challenging content and performance standards and an aligned set of assessments for all students such as those developed under title III of the Goals 2000: Educate America Act, or another process, the State shall use such standards and assessments, modified, if necessary, to conform with the requirements of paragraphs (1)(A)(ii), (2), and (3).

"(7) If, after 2 years, a State does not have challenging content and performance standards that meet the requirements of paragraph (1) or after 3 years, a State does not have assessments that meet the requirements of paragraph (3), a State shall adopt a set of standards and aligned assessments such as the standards and assessments contained in other State plans that the Secretary has approved.

"(8)(A) If a State does not have assessments that meet the requirements of paragraph (3), the State may propose to use an interim set of yearly statewide assessments that will assess the performance of complex skills and challenging subject matter.

"(B) For any year during which a State is using an interim assessment system, the State shall devise a means for identifying schools and local educational agencies in need of improvement under section 1116.

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall also describe—

"(1)(A) the means by which the State educational agency will work with other agencies, including educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools to carry out the State educational agency's responsibilities under this part, including assistance in providing high quality professional development under section 1119 and technical assistance under section 1117; and

"(B)(i) where educational service agencies exist, the State educational agency shall con-

sider providing professional development and technical assistance through such agencies; and

"(ii) where educational service agencies do not exist, the State educational agency shall consider providing professional development and technical assistance through other cooperative agreements such as a consortium of local educational agencies;

"(2) the measure of poverty that local educational agencies shall use which shall include such measures as the number of children age 5 to 7 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible to receive free and reduced price lunches under the National School Lunch Act, the number of children in families receiving assistance under Aid to Families With Dependent Children or the number of children eligible to receive medical assistance under the Medicaid program; or a composite of such indicators;

"(3) how the State educational agency will notify local educational agencies of the authority to operate schoolwide programs, and fulfill its local educational agency and school improvement responsibilities under section 1116, including the corrective actions it will take under section 1116(d)(6);

"(4) how the State educational agency will encourage the use of funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

"(5) how the Committee of Practitioners established under section 1601 was substantially involved in the development of the plan and will continue to be involved in monitoring its implementation by the State;

"(6) how the State educational agency will assess the needs of local educational agencies serving rural areas, and the plans the State educational agency has to meet those needs;

"(7) how the State educational agency will assess the needs of local educational agencies serving rural areas and the plans the State educational agency has to meet those needs; and

"(8) how the State educational agency will encourage the establishment and operation of cooperative education, mentoring, and apprenticeship programs, involving business and industry.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—The Secretary—

"(1) shall establish a peer review process to assist in the review and revision of State plans;

"(2) shall, following an initial peer review, approve a State plan the Secretary determines meets the requirements of subsections (a), (b), and (c);

"(3)(A) shall, if the Secretary determines that the State plan does not meet the requirements of subsection (a), (b), or (c), immediately notify the State of such determination and the reasons for it;

"(B) shall not decline to approve a State's plan before offering the State an opportunity to revise its plan or application, provide technical assistance in order to assist the State to meet the requirements under subsections (a), (b), and (c) and a hearing; and

"(C) may withhold funds until determining that the plan meets the requirements of this section, provided, however, that the Secretary may not withhold funds on the basis of the specific content of the opportunity-to-learn standards adopted by a State under this section.

"(e) DURATION OF THE PLAN.—(1) Each State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(2) If the State makes significant changes in its plan, such as the adoption of new content and performance standards, new assessments, or

a new definition of adequate progress, the State shall submit this information to the Secretary for approval.

"(f) Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or pupil performance standards and assessments, curriculum, or program of instruction as a condition of eligibility to receive funds under this title.

"(g) Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific opportunity-to-learn standards as a condition of eligibility to receive funds under this title.

"(h) If aggregate State expenditure by the State educational agency for operation of elementary and secondary education programs is less than the State educational agency's aggregate Federal allocation for State operation of all Federal elementary and secondary education programs, then the State plan for title I must include assurances and specific provisions for State expenditures for operation of elementary and secondary education programs to equal or exceed the level of Federal expenditures for such operation by fiscal year 1999.

"SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

"(a) PLANS REQUIRED.—(1) A local educational agency may receive a subgrant under this part for any fiscal year only if it has on file with the State educational agency a plan, approved by the State educational agency, that—

"(A)(i) is integrated with the local educational agency's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; and

"(ii) is integrated with local plans, if any, under the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, to the extent that such plans have not already been incorporated into the local educational agency's plan under title III of the Goals 2000: Educate America Act; or

"(B) if the local educational agency does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan—

"(i) is integrated with other local plans under this Act and other plans, including those under the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, where such plans exist; and

"(ii) satisfies the requirements of this section.

"(2) The plan may be submitted as part of a consolidated application under section 9302.

"(3) A local educational agency may satisfy all or part of the requirements of this section by referencing applicable sections of its approved plan under title III of the Goals 2000: Educate America Act.

"(b) STANDARDS AND ASSESSMENT PROVISIONS.—Each local educational agency plan shall include—

"(1) a description of its challenging content and performance standards, if any, in the core subjects, in addition to the content and performance standards adopted by the State under section 1111, that the local educational agency expects children served under this title to meet;

"(2) a description, based on the assessments described under paragraph (3), of what constitutes adequate yearly progress if a local educational agency elects to establish such measures that are more stringent than the measures described in the State plan under section 1111;

"(3) a description of additional high-quality student assessments, if any, other than the as-

assessments described in the State plan under section 1111, that the local educational agency and schools served under this part will use to—

"(A) determine the success of children served under this title in meeting the State's performance standards;

"(B) assist in diagnosis, teaching, and learning in the classroom in ways that best enable children served under this title to meet State standards and do well in the local curriculum; and

"(C) determine what revisions are needed to projects under this part so that such children will meet the State's performance standards; and

"(4) a description of the strategies the local educational agency will use to implement opportunity-to-learn standards for all students served under this title.

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—(1) To ensure high-quality instruction to enable participating children to meet the State's challenging performance standards expected of all students, each local educational agency plan shall describe a coherent strategy for intensive and sustained professional development for teachers, administrators, and other staff, including staff of such agency, in accordance with section 1119.

"(2) Each local educational agency plan shall describe how the local educational agency will—

"(A) notify schools of the authority to operate schoolwide programs;

"(B) work in consultation with schools as the schools develop their plans pursuant to section 1114 or 1115 and assist schools as they implement such plans so that each school can make adequate yearly progress toward meeting the State's standards; and

"(C) fulfill its school improvement responsibilities under section 1116, including the corrective actions it will take under section 1116(c)(5).

"(3) To address the comprehensive needs of children served under this title, each local educational agency plan shall describe how the local educational agency will—

"(A) coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, including—

"(i) Even Start, Head Start, and other preschool programs, including plans for the transition of participants in such programs to local elementary school programs, vocational education programs, and school-to-work transition programs; and

"(ii) services for children with limited English proficiency or with disabilities, migratory children served under part C of this title or who were formerly eligible for services under part C in the 2-year period preceding the date of the enactment of this title, delinquent youth and youth at risk of dropping out served under part D of this title, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the children's instructional program;

"(B) coordinate and collaborate with other agencies providing services to children, youth, and families, including health and social services.

"(4) The local educational agency plan also shall include a description of—

"(A) the poverty criteria that will be used to select school attendance areas under section 1113;

"(B) the multiple criteria that will be used by targeted assistance schools under section 1115 to identify children eligible for services under this part;

"(C) the nature of the programs to be conducted by its schools under sections 1114 and 1115 and services outside such schools for chil-

dren in local institutions for neglected or delinquent children and eligible homeless children, in accordance with section 1115(b)(2)(D);

"(D) how the local educational agency will ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

"(E) how a school that plans to serve preschool children through the Head Start or Even Start programs will use its funds to expand such programs to serve preschool children from its attendance area that otherwise would not have been served or increase the level of service to children presently being served;

"(F) how the local educational agency will provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and how timely and meaningful consultation with private school officials regarding such services will occur; and

"(G) the number of schoolwide programs that will be operating in the local educational agency.

"(d) PLAN DEVELOPMENT AND DURATION.—Each local educational agency plan shall—

"(1) be developed in consultation with teachers, including vocational teachers, where appropriate, and parents of children in schools served under this part; and

"(2)(A) remain in effect for the duration of the local educational agency's participation under this part; and

"(B) periodically be reviewed and revised, as necessary, to reflect changes in the local educational agency's strategies and programs.

"(e)(1) STATE APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the plan will enable schools served under this part to substantially help children served under this title to meet the State's challenging performance standards expected of all children.

"(2) The State educational agency shall review the local educational agency's plan to determine if such agency's professional development activities are in accordance with section 1119.

"(f) PROGRAM RESPONSIBILITY.—The local educational agency plan shall reflect the shared responsibility of schools, teachers, and the local educational agency in making decisions required under sections 1114 and 1115.

"SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

"(a) IN GENERAL.—(1)(A)(i) A local educational agency shall use funds received under this part only in school attendance areas with high concentrations of children from low-income families, hereafter in this section referred to as 'eligible school attendance areas'.

"(ii) For the purposes of this part—

"(I) 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by such school reside; and

"(II) 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families in the local educational agency as a whole.

"(B) If funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

"(i) annually rank, without regard to grade spans, its eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and

"(ii) serve such eligible school attendance areas in rank order.

"(C) If funds remain after serving all eligible school attendance areas under subparagraph (B), a local educational agency shall—

"(i) annually rank its remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and

"(ii) serve such eligible school attendance areas in rank order either within each grade-span grouping or within the local educational agency as a whole.

"(2) The local educational agency shall use as the measure of poverty, the number of children ages 5–17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for free and reduced priced lunches under the National School Lunch Act, the number of children in families receiving assistance under Aid to Families with Dependent Children or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

"(A) to identify eligible school attendance areas;

"(B) to determine the ranking of each area; and

"(C) to determine allocations under subsection (c).

"(3) This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.

"(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (a)(1), a local educational agency may—

"(1) designate as eligible any school attendance area or school in which at least 50 percent of the children are from low-income families;

"(2) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency; and

"(3)(A) elect not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—

"(i) the school meets the comparability requirements of section 1121(c);

"(ii) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 1114 or 1115; and

"(iii) the funds expended from such other sources equal or exceed the amount that would be provided under this part.

"(B) Notwithstanding subparagraph (A), the number of children attending private elementary and secondary schools who are to receive services, and the assistance they are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is passed over under this paragraph.

"(c) ALLOCATIONS.—(1) A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under subsection (a) or (b), in rank order, on the basis of the total number of children from low-income families in each area or school.

"(2)(A) Except as provided in subparagraph (B), the per-pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be not less than 80 percent of the per-pupil amount of funds the local educational agency received for such year under sections 1124, 1124A, and 1125.

"(B) A local educational agency may reduce the amount of funds allocated under subparagraph (A) for a school attendance area or school by the amount of any supplemental State and local funds expended in such school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(3) A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to the services provided to children in schools funded under this part to serve—

"(A) homeless children in accordance with section 1115(b)(2)(D); and

"(B) children in local institutions for delinquent children.

"SEC. 1114. SCHOOLWIDE PROGRAMS.

"(a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—(1) A local educational agency may use funds under this part, in combination with other Federal, State, and local funds, to upgrade the entire educational program in an eligible school if, for the initial year of the schoolwide program, the school meets the following criteria:

"(A) For the school year 1995–96—

"(i) the school serves an eligible school attendance area in which at least 65 percent of the children are from low-income families; or

"(ii) at least 65 percent of the children enrolled in the school are from such families.

"(B) For school year 1996–97 and thereafter, the percentage requirement of clauses (i) and (ii) of subparagraph (A) shall be 60 percent.

"(2) The provisions of paragraph (1) notwithstanding, a local educational agency may start new schoolwide programs only after the State educational agency provides written information to each local educational agency in the State that—

"(A) demonstrates that such State agency has established the statewide system of support and improvement required by section 1117; and

"(B) describes how such statewide system has the capability of providing on-site assistance if necessary to each eligible school, including a listing of school support teams and the eligible schools assigned to each such team.

"(3) A schoolwide program school shall use such funds only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.

"(4) A school may use funds received under any noncompetitive, formula-grant program administered by the Secretary, excluding programs under the Individuals With Disabilities Education Act, and any discretionary program contained on a list (updated as necessary) issued by the Secretary to support a schoolwide program, notwithstanding any provision of the statute or regulations governing any such program.

"(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—(1) A schoolwide program shall include the following components:

"(A) A comprehensive needs assessment of the entire school that is based on information on the performance of children in relation to the State's standards.

"(B) Schoolwide reform strategies that—

"(i) provide opportunities for all children to meet the State's 'proficient' and 'advanced' performance standards expected of all children;

"(ii) are based on research on effective means of improving the achievement of children;

"(iii) use effective instructional strategies which may include the integration of vocational and academic learning (including applied learning and team teaching strategies) that increase the amount and quality of learning time, such as providing an extended school year and

before- and after-school programs and opportunities, and help provide an enriched and accelerated curriculum rather than remedial drill and practice, and that incorporate gender-equitable methods and practices;

"(iv) address the needs of all children in the school, but particularly the needs of low-achieving children, children with limited-English proficiency, children from migratory families, and children who are members of the target population of any program that is included in the schoolwide program, address how the school will determine if such needs have been met, describe the current program being offered to limited-English proficient students, and address how the school will build upon, expand, or coordinate the schoolwide program with the current program; and

"(v) are consistent with, and are designed to implement, the State and local reform plans, if any, approved under title III of the Goals 2000: Educate America Act.

"(C) Instruction by highly qualified professional staff.

"(D) Intensive and sustained professional development for teachers, principals, and other staff, including aides, in accordance with section 1119, to enable all children in the school to meet the State's performance standards.

"(E) Strategies to increase parental involvement, including family literacy services.

"(F) Plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or a State-run preschool program, to local elementary school programs.

"(G) Additionally, in schools serving children beyond grade six, in coordination with funds available from other programs and, as appropriate, drawing on private and public organizations—

"(i) counseling and mentoring services;

"(ii) college and career awareness, exploration, and preparation, such as college and career guidance, comprehensive career development, enhancement of employability and occupational skills, personal finance education, job placement services, and innovative teaching methods which may include applied learning and team teaching strategies; and

"(iii) services to prepare students for the transition from school to work, including the formation of partnerships between elementary, middle, and secondary schools and local businesses, and the integration of school-based and work-based learning.

"(2)(A) Any eligible school that desires to operate a schoolwide program shall first develop, in consultation with the local educational agency, a comprehensive plan for reforming the total instructional program in the school that—

"(i) incorporates the components described in paragraph (1);

"(ii) describes how the school will use resources under this part and from other sources to implement such components;

"(iii) includes a list of State and local educational agency programs and other Federal programs under paragraph (a)(3) that will be included in the schoolwide program; and

"(iv) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of a child who participates in the assessment required by section 1111(b)(3).

"(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria in section 1111(b) (1) and (3) shall be based on an analysis of available data on the achievement of students in the school and a review of the school's instructional practices in the context of available research on effective instructional and school improvement practices.

"(C) The comprehensive plan shall be—

"(i) developed during a one-year period, unless—

"(I) the local educational agency, based on the recommendation of the technical assistance providers under section 1117, determines that less time is needed to develop and implement the schoolwide program; or

"(II) the school is operating a schoolwide program at the time this section takes effect, in which case it may continue to operate such program, but shall develop a new plan during the first year to reflect the provisions of this section;

"(ii) developed with the involvement of the community to be served and individuals who will carry it out, including teachers, principals, other staff, parents, and, if the plan relates to a secondary school, students from the school;

"(iii) reviewed and revised, as necessary, by the school;

"(iv) made available to parents and the public with the information contained in such plan translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language; and

"(v) developed where appropriate in coordination with programs under the School-to-Work Opportunities Act, the Carl D. Perkins Vocational and Applied Technology Education Act, and the National and Community Service Trust Fund Act.

"(c) ACCOUNTABILITY.—

"(1) As provided in subsection (c) of section 1116, each schoolwide program shall be subject to school improvement for failure to make adequate progress for two consecutive years.

"(2) A schoolwide program identified for school improvement under such subsection that has not made adequate progress by the third year following such identification shall forfeit its schoolwide status in addition to corrective actions, if any, taken by the local educational agency.

"(3) A school that has forfeited its schoolwide status may not regain such status until such school shows improvement by making adequate progress for one year.

"SEC. 1115. TARGETED ASSISTANCE SCHOOLS.

"(a) IN GENERAL.—In all schools selected to participate under section 1113 that are ineligible for a schoolwide program, or that choose not to operate a schoolwide program, a local educational agency may use funds received under this part only for programs that provide services to eligible children identified as having the greatest need for special assistance.

"(b) ELIGIBLE CHILDREN.—(1)(A) The eligible population for services under this part is—

"(i) children up to age 21 who are entitled to a free public education through grade 12; and

"(ii) children who are not yet at a grade level where the local educational agency provides a free public education, yet are of an age at which they can benefit from an organized instructional program provided in a school or other educational setting.

"(B) From the population described in subparagraph (A), eligible children are children identified by the school as failing, or most at risk of failing, to meet the State's challenging performance standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade two shall be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.

"(2)(A)(i) Children receiving services to overcome a disability or limited English proficiency are eligible for services under this part on the same basis as other children selected to receive services under this part.

"(ii) Funds received under this part may not be used to provide services that are otherwise required by law to be made available to such children.

"(B) A child who, at any time in the previous two years, participated in a Head Start, Even Start, or State-run preschool program shall be automatically eligible for services under this part;

"(C)(i) A child who, at any time in the previous two years received services under the program for delinquent youth and youth at risk of dropping out under part D of this title (or its predecessor authority) may be eligible for services under this part.

"(ii) Any child in a local institution for neglected or delinquent children or attending a community day program for such children is eligible for services under this part.

"(D) A local educational agency shall use funds received under this part to serve eligible homeless children who attend a school in the local educational agency that receives funds under this title. To the extent feasible, a local educational agency shall use funds received under this part to serve eligible homeless children who attend schools in noneligible attendance areas, including providing educationally related support services to children in shelters, where appropriate.

"(C) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL PROGRAM.—(1) To assist targeted assistance schools and local educational agencies to meet their responsibility to provide all students with the opportunity to meet the State's challenging performance standards, each targeted assistance program under this section shall—

"(A) use its resources under this part to help participating children meet the challenging performance standards expected for all children;

"(B) be based on research on effective means for improving achievement of children;

"(C) use effective instructional strategies that—

"(i) give primary consideration to providing extended learning time such as an extended school year and before- and after-school programs and opportunities;

"(ii) involve an accelerated, high-quality curriculum, including applied learning, rather than remedial drill and practice; and

"(iii) minimize removing children from the regular classroom for instruction provided under this part;

"(D) be coordinated with and support the regular program in providing an enriched and accelerated curriculum for eligible children;

"(E) provide instruction by highly qualified professional staff;

"(F) provide opportunities for intensive and sustained professional development in accordance with section 1119 with resources under this part and from other sources for administrators and for teachers and other school staff who work with participating children in programs under this section or in the regular education program;

"(G) provide strategies to increase parental involvement, including family literacy services;

"(H) provide plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or a State-run preschool program, to local elementary school programs; and

"(I) include, additionally, in schools serving children beyond grade six, in coordination with funds available from other programs and, as appropriate, drawing on private and public organizations—

"(i) counseling and mentoring;

"(ii) college and career awareness and preparation, such as college and career guidance, comprehensive career development, enhancement of employability skills, personal finance education, and job placement services; and

"(iii) services to prepare students for the transition from school to work, including the formation of partnerships between elementary, middle, and secondary schools and local businesses.

"(2)(A) Each school conducting a program under this section shall develop, in consultation with the local educational agency, a plan to assist participating children to meet the State's 'proficient' and 'advanced' performance standards that describes—

"(i) the selection of children to participate in accordance with subsection (b);

"(ii) the program to be conducted that incorporates the components described in paragraph (1) and how the resources provided under this part will be coordinated with other resources to enable the children served to meet the State's standards;

"(iii) how the school will review, on an ongoing basis, the progress of participating children and revise the program, if necessary, to provide additional assistance to enable such children to meet the State's challenging performance standards such as an extended school year and before- and after-school programs and opportunities, training for teachers regarding how to identify students that require additional assistance, and training for teachers regarding how to implement performance standards in the classroom; and

"(iv) if the school is eligible to operate a schoolwide program under section 1114, why it chose not to do so.

"(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria of section 1111(b) (1) and (3) shall be based on an analysis of available data on the achievement of participating children and a review of the school's instructional practices in the context of available research on effective instructional practices.

"(C) Each plan shall be—

"(i) developed with the involvement of the community to be served and the individuals who will carry it out, including teachers, administrators, other staff, parents, representatives from business and industry, and, if the plan relates to a secondary school, students from the school;

"(ii) approved by the local educational agency and made available to parents and the information contained therein translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language; and

"(iii) reviewed and revised, as necessary, by the school.

"(d) ASSIGNMENT OF PERSONNEL.—To promote the integration of staff paid with funds under this part and children served under this part into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this part may—

"(1) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school;

"(2) participate in general professional development and school planning activities; and

"(3) collaboratively teach with regular classroom teachers, so long as their efforts directly benefit participating children.

"SEC. 1116. ASSESSMENT AND SCHOOL AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.

"(a) LOCAL REVIEW.—Each local educational agency receiving funds under this part shall—

"(1) use the State assessments described in the State plan and any additional measures described in the local educational agency's plan to

review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2)(A)(i) or section 1112(b)(2), as appropriate, toward enabling its students to meet, the State's performance standards;

"(2) review annually the progress of each school which receives funds under this title in meeting State opportunity-to-learn standards;

"(3) publicize and disseminate to teachers, parents, students, and the community the results of the annual review under paragraphs (1) and (2) of all schools served under this part in individual school performance profiles that include disaggregated results as required by section 1111(b)(3)(G); and

"(4) provide the results of the local annual review to schools so that they can continually refine the program of instruction to help all children in such schools to meet the State's high performance standards.

"(b) DESIGNATION OF DISTINGUISHED SCHOOLS.—Each State educational agency and local educational agency receiving funds under this part shall designate distinguished schools in accordance with section 1117.

"(c) SCHOOL IMPROVEMENT.—(1) A local educational agency shall identify for school improvement any school served under this part that—

"(A) has been in program improvement under section 1021 of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as in effect before the effective date of the Improving America's Schools Act of 1994, for at least two consecutive school years prior to such date;

"(B) has not made adequate progress as defined in the State's plan under section 1111(b)(2)(A)(i) or section 1112(b)(2), as appropriate, for two consecutive school years; or

"(C) has failed to meet the criteria established by the State through its interim procedure under section 1111(b)(5)(C) for two consecutive years.

"(2) A school shall not be identified for school improvement if virtually all its students meet the State's advanced performance standards.

"(3)(A) Each school identified under paragraph (1) shall—

"(i) in consultation with parents, the local educational agency, and, for schoolwide programs, the school support team, revise its school plan under section 1114 or 1115 in ways that have the greatest likelihood of improving the performance of participating children in meeting the State's performance standards; and

"(ii) submit the revised plan to the local educational agency for approval.

"(B) Before identifying a school for program improvement under paragraph (1), the local educational agency shall provide the school with an opportunity to review the school-level data, including assessment data, on which such identification would be based. If the school believes that its identification for school improvement would be in error, it may provide evidence to the local educational agency to support such belief.

"(C) During the first year immediately following identification under paragraph (1), the school shall implement its revised plan.

"(4) For each school identified under paragraph (1), the local educational agency shall make technical assistance available as the school determines why the school's plan failed to bring about increased achievement and develop and implement its revised plan. Such technical assistance may be provided directly by the local educational agency, through mechanisms authorized under section 1117, or by an institution of higher education, a private nonprofit organization, an educational service agency, Federal technical assistance centers under part D of title II of this Act, or other entities with experience in helping schools improve achievement.

"(5)(A) After providing technical assistance pursuant to paragraph (4) and other remediation measures, the local educational agency may take corrective action at any time against a school that has been identified under paragraph (1), but, during the third year following identification under paragraph (1), shall take such action against any school that still fails to make adequate progress.

"(B) Corrective actions are those listed in the local educational agency plan adopted in compliance with State law, which may include decreasing decisionmaking authority at the school level, making alternative governance arrangements such as the creation of a charter school, reconstituting the school staff; and authorizing students to transfer, including paying transportation costs to other schools in the local educational agency.

"(6) The State educational agency shall—

"(A) make technical assistance under section 1117 available to the schools furthest from meeting the State's standards, if requested by the school or local educational agency; and

"(B) if it determines that a local educational agency failed to carry out its responsibility under paragraphs (4) and (5), take such corrective actions that it deems appropriate.

"(7) Schools that for at least two of the three years following identification under paragraph (1) make adequate progress toward meeting the State's 'proficient' and 'advanced' performance standards no longer need to be identified for school improvement.

"(d) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—(1) A State educational agency shall—

"(A) annually review the progress of each local educational agency receiving funds under this part to determine whether all students in schools receiving assistance under this part are making adequate progress as defined in section 1111(b)(2)(A)(ii) or section 1112(b)(2), as appropriate, toward meeting the State's performance standards; and

"(B) publicize and disseminate to teachers, parents, students, and the community the results of the State review, including disaggregated results, as required by section 1111(b)(3)(G).

"(2) In the case of a local educational agency that for three consecutive years has a school or schools receiving assistance under this part which have exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(ii) or section 1112(b)(2), as appropriate, the State may make institutional and individual rewards of the kinds described for individual schools in subsection 1117(c)(2)(B).

"(3) A State educational agency shall identify for improvement any local educational agency that—

"(A) for two consecutive years, has a school or schools receiving assistance under this part that are not making adequate progress as defined in section 1111(b)(2)(A)(ii) or section 1112(b)(2), as appropriate, toward meeting the State's performance standards; or

"(B) has failed to meet the criteria established by the State through its interim procedure under section 1111(b)(8)(A) for two consecutive years.

"(4) Each local educational agency identified under paragraph (3) shall, in consultation with schools, parents, and educational experts, revise its local educational agency plan under section 1112 in ways that have the greatest likelihood of improving the performance of its schools in meeting the State's performance standards.

"(5) For each local educational agency identified under paragraph (3), the State educational agency shall—

"(A) determine why the local educational agency's plan failed to bring about increased achievement;

"(B) provide technical assistance, if requested, as authorized under section 1117 to better enable the local educational agency to develop and implement its revised plan and work with schools needing improvement; and

"(C) make available to the local educational agencies furthest from meeting the State's standards, if requested, assistance under section 1117.

Technical assistance under subparagraph (B) may be provided by the State educational agency directly, or by an institution of higher education, a private nonprofit organization, an educational service agency or other local consortium, a technical assistance center, or other entities with experience in assisting local educational agencies improve achievement.

"(6)(A) After providing technical assistance pursuant to paragraph (5) and other remediation measures, the State educational agency may take corrective action at any time against a local educational agency that has been identified under paragraph (3), but, during the fourth year following identification under paragraph (3), shall take such action against any local educational agency that still fails to make adequate progress.

"(B) Corrective actions are those listed in the State educational agency plan adopted in compliance with State law, which may include reconstitution of district personnel, appointment by the State educational agency of a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board, removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for governing and supervising such schools, the abolition or restructuring of the local educational agency, and the authorizing of students to transfer from 1 local educational agency to another.

"(7) Local educational agencies that for at least two of the three years following identification under paragraph (3) make adequate progress toward meeting the State's standards no longer need to be identified for local educational agency improvement.

"(e) STATE ALLOCATIONS FOR SCHOOL IMPROVEMENT.—From the amount appropriated under section 1002(6) for any fiscal year, each State shall be eligible to receive an amount that bears the same ratio to the amount appropriated as the amount allocated to the State under sections 1124, 1124A, and 1125 bears to the total amount allocated to all States under such sections, except that each State shall receive at least \$180,000, or \$30,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Marianas, and Palau (until the Compact of Free Association goes into effect).

"SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

"(a) SYSTEM FOR SUPPORT.—(1) Each State educational agency shall establish a statewide system of intensive and sustained support and improvement for schools receiving funds under this title, including all schoolwide programs and all schools in need of program improvement, in order to increase the opportunity for all students in such schools to meet the State's content and performance standards and opportunity-to-learn standards.

"(2) Funds appropriated pursuant to section 1002(6) shall be used to meet the requirements of this section. In addition and notwithstanding section 1002(1), a State or local educational agency may use funds made available under section 1002(1) and other available funds to meet such requirements.

"(b) REGIONAL CENTERS.—Such a statewide system shall be linked to and receive support and assistance from the regional technical assistance centers authorized under part D of title

II and the regional labs authorized under section 205 of the General Education Provisions Act.

"(c) PROVISIONS.—The system shall include at a minimum the following:

"(1) SCHOOL SUPPORT TEAMS.—

"(A) Each State, in consultation with local educational agencies, shall establish a system of school support teams to provide information and assistance to each schoolwide program and to assist such program in providing an opportunity to all students to meet the State's performance standards.

"(B) Each such team shall be composed of individuals with experience in successfully improving the educational opportunities for low achieving students, especially individuals identified in paragraph (3), and individuals knowledgeable about research and practice on teaching and learning, including alternative and applied learning, especially for low achieving students.

"(C) A school support team shall work with each school as it develops its schoolwide program plan, review each plan, and make recommendations to the school and the local educational agency.

"(D) During the operation of the schoolwide programs, a school support team shall periodically review the progress of the school in enabling children in the school to meet the State's performance standards, identify problems in the design and operation of the instructional program, and make suggestions for the improvement to the school and the local educational agency.

"(2) DISTINGUISHED SCHOOLS.—

"(A) Each State shall designate as a distinguished school any school served under this part which, for 3 consecutive years, has exceeded the State's definition of adequate progress as defined in section 1111(b)(2), and, any school in which virtually all students have met the State's advanced performance standards and in which equity in participation and achievement of students by sex has been achieved or significantly improved.

"(B) Schools designated under this paragraph may serve as models and provide support to other schools, especially schoolwide programs and schools in program improvement, to assist such schools in meeting the State's performance standards.

"(C) States shall use funds available under section 1002(6) to allow schools identified under this paragraph to carry out the activities described in subparagraph (B) and may use such funds to provide awards to such schools to further their education programs under this part, provide additional incentives for continued success, and reward individuals or groups in the school for exemplary performance.

"(D) A local educational agency may also recognize the success of a distinguished school by providing additional institutional and individual rewards, such as greater decisionmaking authority at the school building level, increased access to resources or supplemental services such as summer programs that may be used to sustain or increase success, additional professional development opportunities, opportunities to participate in special projects, and individual financial bonuses.

"(3) DISTINGUISHED EDUCATORS.—

"(A) In order to provide assistance to schools and local educational agencies identified as needing improvement or schoolwide programs, each State, in consultation with local educational agencies and using funds available under section 1002(6), shall establish a corps of distinguished educators.

"(B) When possible, distinguished educators shall be chosen from schools served under this part that have been especially successful in ena-

bling children to meet or make outstanding progress toward meeting the State's performance standards, such as the schools described in paragraph (2).

"(C) Distinguished educators shall provide, as part of the statewide system, intensive and sustained assistance to the schools and local educational agencies furthest from meeting the State's standards and schoolwide programs as they develop and implement their plans, including participation in the support teams described in paragraph (1).

"(d) In order to implement this section, funds under section 1002(6) may be used by a State for release time for teachers and administrators, travel, training, and other related costs.

"(e) ALTERNATIVES.—If a State has devised alternative or additional approaches to providing the assistance described in paragraphs (1) and (3) of subsection (c), such as providing assistance through institutions of higher education and educational service agencies or other local consortia, the State may seek approval from the Secretary to use funds authorized in section 1002(6) for such approaches as part of the State plan.

"SEC. 1118. PARENTAL INVOLVEMENT.

"(a) IN GENERAL.—A local educational agency may receive funds under this part only if it implements programs, activities, and procedures for the involvement of parents in programs assisted under this title. Such activities shall be planned and implemented with meaningful consultation with parents of participating children.

"(b) LOCAL EDUCATIONAL AGENCY POLICY.—(1) Each local educational agency that receives funds under this part shall develop jointly with, and make available to, parents of participating children a written parental involvement policy that is incorporated into the local educational agency's plan developed under section 1112, establishes the expectations for parental involvement, and describes how the local educational agency will—

"(A) involve parents in the development of the plan described under section 1112, and the process of school review and improvement described under section 1116;

"(B) provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement;

"(C) build the schools' and parents' capacity for strong parent involvement as described in subsection (f);

"(D) coordinate and integrate parental involvement strategies in this part with parental involvement strategies under other programs, including Head Start, Even Start, and State-run preschool programs;

"(E) conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy developed under this section in increasing the participation of parents to identify barriers to greater participation by parents in activities authorized by this section, giving particular attention to parents who are economically disadvantaged, are disabled, have limited-English proficiency, have limited literacy, or are of any racial or ethnic minority background and use the findings of such reviews in designing strategies for school improvement.

"(2) If the local educational agency has an agency-wide parental involvement policy that applies to all parents, it may amend such policy, if necessary, to meet the requirements of this subsection.

"(3) Each local educational agency shall reserve not less than 1 percent of its allocation under this part for the purposes of carrying out this section, including family literacy and parenting skills.

"(c) SCHOOL PARENTAL INVOLVEMENT PLAN.—(1) Each school served under this part shall

jointly develop with, and make available to, parents of participating children a written parental involvement plan that shall be incorporated into the school plan developed under section 1114 or 1115 and shall describe the means for carrying out the requirements of subsections (c) through (f).

"(2) If the school has a parental involvement policy that applies to all parents, it may amend such policy, if necessary, to meet the requirements of this subsection.

"(d) POLICY INVOLVEMENT.—Each school served under this part shall—

"(1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of the school's participation under this part and to explain this part, its requirements, and the parent's right to be involved;

"(2) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the development of the school plan under section 1114 or 1115 or if a school has in place a process for involving parents in the planning and design of its programs, the school may use such process, provided that the process includes an adequate representation of parents of participating children; and

"(3) provide parents of participating children—

"(A) timely information about programs under this part;

"(B) school performance profiles required under section 1116(a)(2) and individual student assessment results, including an interpretation of such results, required under section 1111(b)(3);

"(C) opportunities for regular meetings to formulate suggestions, if such parents so desire; and

"(D) timely responses to parents' recommendations.

"(e) SHARED RESPONSIBILITIES FOR HIGH STUDENT PERFORMANCE.—As a component of the school-level parental involvement plan developed under subsection (b), each school served under this part shall jointly develop with parents for all children a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—

"(1) describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enable the children to meet the State's challenging performance standards, and the ways in which each parent will be responsible for supporting his or her children's learning, including monitoring attendance, homework completion, television watching, and positive use of extracurricular time; and

"(2) address the importance of communication between teachers and parents on an ongoing basis through at a minimum—

"(A) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the individual child's achievement;

"(B) frequent reports to parents on their children's progress; and

"(C) reasonable access to staff and observation of classroom activities.

"(f) BUILDING CAPACITY FOR INVOLVEMENT.—To ensure effective involvement of parents and to support a partnership among the school, parents, and the community to improve student achievement, each school and local educational agency—

"(1) shall provide assistance to participating parents in such areas as understanding the National Education Goals, the State's content and performance standards, opportunity-to-learn standards, State and local assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the performance of their children;

"(2) shall provide materials and training, including—

"(A) coordinating necessary literacy training from other sources to help parents work with their children to improve their children's achievement; and

"(B) training to enable parents to work more effectively with teachers, schools, and school systems;

"(3) shall educate teachers, principals, and other staff in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between home and school;

"(4) shall develop appropriate roles for community-based organizations and businesses in parent involvement activities, including providing information about opportunities for them to work with parents and schools, and encouraging the formation of partnerships between elementary, middle, and secondary schools and local businesses that include a role for parents;

"(5) shall ensure, to the extent possible, that information related to school and parent programs, meetings, and other activities is sent to the homes of participating children in the language used in such homes;

"(6) shall involve parents in the development of training for teachers, principals, and other educators for the purpose of improving the effectiveness of such training in improving instruction and services to the children of such parents;

"(7) may provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such activities;

"(8) may pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs to enable parents to participate in school-related meetings and training sessions;

"(9) may coordinate and integrate parent involvement programs and activities with Head Start, Even Start, and State-run preschool programs;

"(10) may train and support parents to enhance the involvement of other parents;

"(11) may arrange meetings at a variety of times, such as in the mornings and evenings in order to maximize opportunities of parents to participate in school related activities;

"(12) may arrange for teachers or other educators, who work directly with participating children, to conduct in-home conferences with parents who are unable to attend such conferences at school; and

"(13) may adopt and implement model approaches to improving parental involvement such as Even Start.

"(g) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies and schools shall, to the extent practicable, ensure that parents of limited-English proficient children or disabled children are afforded the same access to parental involvement opportunities as their children are afforded to other programs funded under this part, including the provision of information in a language and form that the parents of such children can understand.

"SEC. 1119. PROFESSIONAL DEVELOPMENT.

"(a) PROGRAM REQUIREMENTS.—(1) Local educational agencies receiving assistance under this

part shall provide high-quality, sustained professional development that will improve the teaching of the core academic subjects, consistent with the State content standards, in order to enable all children to meet the State's performance standards.

"(2) Professional development activities shall be designed by teachers and other school staff in schools receiving assistance under this part.

"(b) PROFESSIONAL DEVELOPMENT ACTIVITIES.—

"(1) Professional development activities shall—

"(A) support instructional practices that are geared to challenging State content standards and create a school environment conducive to high achievement in the core academic subjects;

"(B) support local educational agency plans under section 1112 and school plans under sections 1114 and 1115;

"(C) draw on resources available under this part, title III of the Goals 2000: Educate America Act, part A of title II of this Act, and from other sources;

"(D) where appropriate, include strategies for developing curricula and teaching methods that integrate academic and vocational instruction (including applied learning and team teaching strategies); and

"(E) include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices.

"(2) Professional development activities may include—

"(A) instruction in the use of assessments;

"(B) instruction in ways that teachers, principals, and school administrators may work more effectively with parents;

"(C) the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and novice teachers with an opportunity to work under the guidance of experienced teachers and college faculty;

"(D) instruction in the use of technology;

"(E) the creation of career ladder programs for paraprofessionals (assisting teachers under this part) to obtain the education necessary for them to become licensed and certified teachers;

"(F) instruction in ways to teach special needs children;

"(G) instruction in gender-equitable education methods, techniques, and practices;

"(H) joint professional development activities involving programs under this part, Head Start, Even Start, or State-run preschool program personnel; and

"(I) instruction in experiential-based teaching methods such as service learning.

"(c) PROGRAM REQUIREMENTS.—Programs should be designed so that—

"(1) all school staff in schoolwide program schools can participate in professional development activities;

"(2) all school staff in targeted assistance schools may participate in professional development activities if such participation will result in better addressing the needs of students served under this part.

"(d) PARENTAL PARTICIPATION.—Parents may participate in professional development activities under this part if the school determines that parental participation would be appropriate.

"(e) CONSORTIA.—In carrying out such professional development programs, local educational agencies may provide such services through consortia arrangements with other local educational agencies, educational service agencies or other local consortia, institutions of higher education or other public or private institutions or organizations.

"(f) EFFECTIVE TEACHING STRATEGIES.—Knowledge of effective teaching strategies that is gained through professional development ac-

tivities under this section may be shared with teachers who are not participating in schoolwide or targeted assistance programs under this part.

"(g) COMBINATIONS OF FUNDS.—Funds provided under this part that are used for professional development purposes may be combined with funds provided under part A of title II of this Act, title III of the Goals 2000: Educate America Act, and other sources.

"(h)(1) The State educational agency shall review the local educational agency's plan to determine if such agency's professional development activities—

"(A) are tied to challenging State student content and performance standards and opportunity-to-learn standards;

"(B) reflect recent research on teaching and learning;

"(C) are of sufficient intensity and duration to have a positive impact on the teacher's performance in the classroom;

"(D) are part of the everyday activities of the school and create an orientation toward continuous improvement in the classroom or throughout the school;

"(E) include methods to teach children with special needs;

"(F) are developed with the extensive participation of teachers; and

"(G) include gender-equitable education methods, techniques, and practices.

"(2) If a local educational agency's plan for professional development does not meet such criteria, the State educational agency shall assist such local educational agencies in making progress toward inclusion of such elements in the local educational agency's professional development activities.

"(i) INSTRUCTIONAL AIDES.—(1) If a local educational agency uses funds received under this part to employ instructional aides, the local educational agency shall ensure that such aides—

"(A) possess the knowledge and skills sufficient to assist participating children in meeting the educational goals of this part;

"(B)(i) have a high school diploma, a General Education Development certificate, or earn either within 2 years of employment, except that

"(ii) a local educational agency may employ an instructional aide that does not meet the requirement in clause (i) if such aide possesses proficiency in a language other than English that is needed to enhance the participation of children in programs under this part; and

"(C) are under the direct supervision of a teacher who has primary responsibility for providing instructional services to eligible children.

"(2) Local educational agencies receiving funds under this part shall include instructional aides in professional development activities.

"SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"(a) GENERAL REQUIREMENT.—(1) To the extent consistent with the number of eligible children identified under section 1115(b) in a local educational agency who are enrolled in private elementary and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis, special educational services or other benefits under this part (such as dual enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment).

"(2) The educational services or other benefits, including materials and equipment, must be secular, neutral, and nonideological.

"(3) Educational services and other benefits for such private school children shall be equitable in comparison to services and other bene-

fits for public school children participating under this part.

"(4) Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

"(5) The local educational agency may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) PUBLIC CONTROL OF FUNDS.—(1) The control of funds provided under this part, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds and property.

"(2)(A) The provision of services under this section shall be provided—

"(i) by employees of a public agency; or

"(ii) through contract by such public agency with an individual, association, agency, or organization.

"(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

"(c) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation on an equitable basis of eligible children enrolled in private elementary and secondary schools or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—

"(1) waive the requirements of this section for such local educational agency; and

"(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 9505 and 9506 of this Act.

"(d) CAPITAL EXPENSES.—(1)(A) From the amount appropriated for this subsection under section 1002(5) for any fiscal year, each State is eligible to receive an amount that bears the same ratio to the amount so appropriated as the number of private school children who received services under this part in the State in the most recent year for which data satisfactory to the Secretary are available bears to the number of such children in all States in that same year.

"(B) The Secretary shall reallocate any amounts allocated under subparagraph (A) that are not used by a State for the purpose of this subsection to other States on the basis of their respective needs, as determined by the Secretary.

"(2)(A) A local educational agency may apply to the State educational agency for payments for capital expenses consistent with this subsection.

"(B) State educational agencies shall distribute such funds to local educational agencies based on the degree of need set forth in their respective applications.

"(3) Any funds appropriated to carry out this subsection shall be used only for capital expenses incurred to provide equitable services for private school children under this section.

"(4) For the purpose of this subsection, the term 'capital expenses' is limited to—

"(A) expenditures for noninstructional goods and services, such as the purchase, lease, or renovation of real and personal property, including, but not limited to, mobile educational units and leasing of neutral sites or spaces;

"(B) insurance and maintenance costs;

"(C) transportation; and

"(D) other comparable goods and services.

"SEC. 1121. FISCAL REQUIREMENTS.

"(a) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this

part for any fiscal year only if the State educational agency finds that the local educational agency has maintained its fiscal effort in accordance with section 9501 of this Act, including such effort for professional development activities.

"(b) **FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.**—(1)(A) Except as provided in subparagraph (B), a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

"(B) For the purpose of complying with subparagraph (A), a State or local educational agency may exclude supplemental State and local funds expended in any eligible school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(2) No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate its compliance with paragraph (1).

"(c) **COMPARABILITY OF SERVICES.**—(1)(A) Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

"(B) If the local educational agency is serving all of its schools under this part, such agency may receive funds under this part only if it will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.

"(C) A local educational agency may meet the requirements of subparagraphs (A) and (B) on a grade-span by grade-span basis or a school-by-school basis.

"(2)(A) To meet the requirements of paragraph (1), a local educational agency shall demonstrate that—

"(i) expenditures per pupil from State and local funds in each school served under this part are equal to or greater than the average expenditures per pupil in schools not receiving services under this part; or

"(ii) instructional salaries per pupil from State and local funds in each school served under this part are equal or greater than the average instructional salaries per pupil in schools not receiving services.

"(B) A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

"(3) Each local educational agency shall—

"(A) develop procedures for compliance with this subsection; and

"(B) maintain records that are updated biennially documenting its compliance.

"(4) This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

"(5) For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—

"(A) bilingual education for children of limited English proficiency; and

"(B) excess costs of providing services to children with disabilities.

"Subpart 2—Allocations

"SEC. 1122. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

"(a) **RESERVATION OF FUNDS.**—From the amount appropriated for payments to States for

any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (b).

"(b) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.

"(1) The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary of Education determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.

"SEC. 1123. ALLOCATIONS TO STATES.

"(a) **GENERAL.**—For each fiscal year, an amount of the appropriations for this part equal to the appropriation for fiscal year 1994 for part A of chapter 1, title I, Elementary and Secondary Education Act, shall be allocated in accordance with sections 1124 and 1124A. Any additional appropriations for this part for any fiscal year, after application of the preceding sentence, shall be allocated in accordance with section 1125.

"(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.

"(1) If the sums available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d) of this section.

"(2) If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

"(c) **HOLD-HARMLESS AMOUNTS.**—Notwithstanding subsection (b), the total amount made available to each local educational agency under each of sections 1124 and 1125 for any fiscal year shall be at least 85 percent of the total amount such local educational agency was allocated under such sections (or, for fiscal year 1995, their predecessor authorities) for the preceding fiscal year.

"(d) **DEFINITION.**—For the purpose of this section and sections 1124 and 1125, the term State means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) **AMOUNT OF GRANTS.**—

"(1) **GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.**—

"(A) The grant which a local educational agency in a State is eligible to receive under this subpart for a fiscal year shall (except as provided in section 1126), be determined by multiplying the number of children counted under subsection (c) by 40 percent of the amount determined under the next sentence. The amount determined under this sentence shall be the average per pupil expenditure in the State except that (i) if the average per pupil expenditure in the State is less than 80 percent of the average per pupil expenditure in the United States, such amount shall be 80 percent of the average per pupil expenditure in the United States, or (ii) if the average per pupil expenditure in the State is more than 120 percent of the average per pupil expenditure in the United States, such amount shall be 120 percent of the average per pupil expenditure in the United States. For each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total population of fewer than 20,000 persons, the State education agency may either (I) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; or (II) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State education agency determines best reflect the current distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons. If a local educational agency serving an area with total population of less than 20,000 persons is dissatisfied with the determination of its grant by the State education agency, then it may appeal this determination to the Secretary. The Secretary must respond to this appeal within 45 days of receipt. The Secretary shall consult with the Secretary of Commerce regarding whether available data on population for local educational agencies serving areas with total populations of fewer than 20,000 persons are sufficiently reliable to be used to determine final grants to such areas.

"(B) If, and only if, there are portions of any of the States for which the Department of Commerce has not prepared data on the number of children, aged 5-17, from families below the poverty level for local educational agencies, then the Secretary shall use such data compiled for counties in those portions of the States, treating the counties as if they were local educational agencies. In such cases, subject to section 1126, the grant for any local educational agency in such an area of a State shall be determined on the basis of the aggregate amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate amount shall be equal to the aggregate amount determined under subparagraph (A) for such county or counties, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Secretary.

"(C) For each fiscal year, the Secretary shall determine the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this subpart for a fis-

cal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

"(i) the percentage determined under the preceding sentence; and

"(ii) 32 percent of the average per pupil expenditure in the United States.

"(2) **DEFINITION.**—For purposes of this subsection, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and Palau.

"(b) **MINIMUM NUMBER OF CHILDREN TO QUALIFY.**—A local educational agency shall be eligible for a basic grant for a fiscal year under this subpart only if the number of children counted under subsection (c) in the school district of such local educational agency is at least 10.

"(c) **CHILDREN TO BE COUNTED.**—

"(1) **CATEGORIES OF CHILDREN.**—The number of children to be counted for purposes of this section is the aggregate of—

"(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraph (2)(A).

"(B) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (2)(B), and

"(C) the number of children aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children (other than such institutions operated by the United States) or attending community day programs for such children, but not counted pursuant to subpart 3 of part D for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(2) **DETERMINATION OF NUMBER OF CHILDREN.**—

"(A) For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data available from the Department of Commerce for local educational agencies (as produced and published under section 181a of title 13, United States Code). If, and only if, there are portions of any of the States for which the Department of Commerce has not prepared data on the number of children, aged 5-17, from families below the poverty level for local educational agencies, then the Secretary shall use such data compiled for counties in those portions of the States, treating the counties as if they were local educational agencies. The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains two or more counties in their entirety, then each county will be treated as if it were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which shall distribute to schools in each county within it a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant. If the Department of Commerce has updated data on the number of children, aged 5-17, from families below the poverty level for local educational agencies, then the Secretary shall use the updated data. In determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

"(B) For purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics. The Secretary shall determine the number of such children and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year.

"(C) When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (as determined under subparagraph (A) of this paragraph) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

"(d) **STATE MINIMUM.**—

"(1) The aggregate amount allotted for all local educational agencies within a State may not be less than one-quarter of 1 percent of the total amount available for such fiscal year under this section.

"(2)(A) No State shall, by reason of the application of the provisions of paragraph (1) of this subsection, be allotted more than—

"(i) 150 percent of the amount that the State received in the fiscal year preceding the fiscal year for which the determination is made, or

"(ii) the amount calculated under subparagraph (B), whichever is less.

"(B) For the purpose of subparagraph (A)(ii), the amount for each State equals—

"(i) the number of children in such State counted under subsection (c) in the fiscal year specified in subparagraph (A), multiplied by

"(ii) 150 percent of the national average per pupil payment made with funds available under this section for that year.

"SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) **ELIGIBILITY FOR AND AMOUNT OF GRANTS.**—

"(1)(A) Except as otherwise provided in this paragraph, each local educational agency, in a State other than Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands,

and Palau, which is eligible for a grant under this part for any fiscal year shall be entitled to an additional grant under this section for that fiscal year if—

"(i) the number of children counted under section 1124(c) of this part in the local educational agency for the preceding fiscal year exceeds 6,500, or

"(ii) the number of children counted under section 1124(c) exceeds 15 percent of the total number of children aged five to seventeen, inclusive, in the local educational agency in that fiscal year.

"(B) Except as provided in subparagraph (C), no State described in subparagraph (A) shall receive less than—

"(i) one-quarter of 1 percent of the sums appropriated under paragraph (6) of this section for such fiscal year; or

"(ii) \$250,000, whichever is higher.

"(C) No State shall, by reason of the application of the provisions of subparagraph (B)(i) of this paragraph, be allotted more than—

"(i) 150 percent of the amount that the State received in the fiscal year preceding the fiscal year for which the determination is made, or

"(ii) the amount calculated under subparagraph (D), whichever is less.

"(D) For the purpose of subparagraph (C), the amount for each State equals—

"(i) the number of children in such State counted for purposes of this section in the fiscal year specified in subparagraph (B), multiplied by

"(ii) 150 percent of the national average per pupil payment made with funds available under this section for that year.

"(2) For each local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

"(A) the greater of—

"(i) the number of children in excess of 6,500 counted under section 1124(c) for the preceding fiscal year, in a local educational agency which qualifies on the basis of subparagraph (A)(i) of paragraph (1); or

"(ii) the number of children counted under section 1124(c) for the preceding fiscal year in a local educational agency which qualifies on the basis of subparagraph (A)(ii) of paragraph (1); and

"(B) the quotient resulting from the division of the amount determined for those agencies under section 1124(a)(1) for the fiscal year for which the determination is being made divided by the total number of children counted under section 1124(c) for that agency for the preceding fiscal year.

"(3) The amount of the additional grant to which an eligible local educational agency is entitled under this section for any fiscal year shall be an amount which bears the same ratio to the amount reserved under paragraph (6) for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such products for all local educational agencies in the United States for that fiscal year.

"(4) For the purposes of this section, the Secretary shall determine the number of children counted under section 1124(c) for any local educational agency, and the total number of children aged five to seventeen, inclusive, in local educational agencies, on the basis of the most recent satisfactory data available at the time the payment for such local educational agency is determined under section 1124.

"(5)(A) For each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total populations of fewer than

20,000 persons, the State education agency may either (i) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; or (ii) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State education agency determines best reflects the current distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons and meeting the eligibility criteria of paragraph (1)(A). If a local educational agency serving an area with total population of less than 20,000 persons is dissatisfied with the determination of its grant by the State education agency, then it may appeal this determination to the Secretary. The Secretary must respond to this appeal within 45 days of receipt. The Secretary shall consult with the Secretary of Commerce regarding whether available data on population for local educational agencies serving areas with total populations of fewer than 20,000 persons are sufficiently reliable to be used to determine final grants to such areas meeting the eligibility criteria of paragraph (1)(A).

"(B) If, and only if, there are portions of any of the States for which the Department of Commerce has not prepared data on the number of children, aged 5-17, from families below the poverty level for local educational agencies, then the Secretary shall use such data compiled for counties in those portions of the States, treating the counties as if they were local educational agencies. In such cases, subject to section 1126, the grant for any local educational agency in such an area of a State shall be determined on the basis of the aggregate amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate amount shall be equal to the aggregate amount determined under subparagraph (A) for such county or counties, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with the basic criteria prescribed by the Secretary.

"(b) RESERVATION OF FUNDS.—Of the total amount of funds available for sections 1124 and 1124A, 10 percent of the amount appropriated for that fiscal year shall be available to carry out this section.

"(c) Ratable Reduction Rule.—If the sums available under subsection (b) for any fiscal year for making payments under this section are not sufficient to pay in full the total amounts which all States are entitled to receive under subsection (a) for such fiscal year, the maximum amounts which all States are entitled to receive under subsection (a) for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if the number of children in the local educational agency under subsection 1124(c), before application of the weighting factor, is at least 10.

"(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND PUERTO

RICO.—(1) The amount of the grant that a local educational agency in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be the product of—

"(A) the number of children counted under subsection (c); and

"(B) the amount in the second sentence of subparagraph 1124(a)(1)(A).

"(2) For each fiscal year, the amount of the grant for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to the number of children counted under subsection (c) for Puerto Rico, multiplied by the amount determined in subparagraph 1124(a)(1)(C).

"(c) CHILDREN TO BE COUNTED.—

"(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section shall be the number counted in subsection 1124(c) multiplied by the weighting factor for the local educational agency. The weighting factor shall be established on the basis of the percentage that the number of children counted under section 1124(c) represents of the total population aged 5-17 years in the local educational agency or the number of such children. Weighted pupil counts will be calculated based upon both percentage and number and the larger of the two counts will be used in calculating grants for each local educational agency. Weighting factors shall be assigned according to the following scale: if the percentage is greater than 0 but less than 14.265, the weighting factor shall be 1.00 for all children counted in section 1124(c); if the percentage is greater than 14.265 but less than 21.553, the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 14.265 percent of the total school age population and 1.50 for children counted under section 1124(c) in excess of 14.265 percent of the total school age population; if the percentage is greater than 21.553 percent but less than 29.223 percent, then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 14.265 percent of the total school age population, 1.50 for a number of children counted under section 1124(c) equal to 7.288 percent of the total school age population, and 2.00 for children counted under section 1124(c) in excess of 21.553 percent of the total school age population; if the percentage is greater than 29.223 percent but less than 36.538 percent, then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 14.265 percent of the total school age population, 1.50 for a number of children counted under section 1124(c) equal to 7.288 percent of the total school age population, 2.00 for a number of children counted under section 1124(c) in excess of 29.223 percent of the total school age population; and if the percentage is greater than 36.538, then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 14.265 percent of the total school age population, 1.50 for a number of children counted under section 1124(c) equal to 7.288 percent of the total school age population, 2.00 for a number of children counted under section 1124(c) equal to 7.315 percent of the total school age population, and 3.00 for children counted in section 1124(c) in excess of 36.538 percent of the total school age population. Separately, if the number of children counted under section 1124(c) is greater than 0 but less than 575, the weighting factor shall be 1.00 for all children counted in section 1124(c); if the number is greater than 575 but less than 1,870, the

weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 575, and 1.50 for children counted under section 1124(c) in excess of 575; if the number is greater than 1,870 but less than 6,910, then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 575, 1.50 for a number of children counted under section 1124(c) equal to 1,295, and 2.00 for children counted under section 1124(c) in excess of 1,870; if the number is greater than 6,910 but less than 42,000 then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 575, 1.50 for a number of children counted under section 1124(c) equal to 1,295, 2.00 for a number of children counted under section 1124(c) equal to 5,040, and 2.50 for children counted under section 1124(c) in excess of 6,910; and if the number is greater than 42,000, then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 575, 1.50 for a number of children counted under section 1124(c) equal to 1,295, 2.00 for a number of children counted under section 1124(c) equal to 5,040, 2.50 for a number of children counted in section 1124(c) equal to 35,090 and 3.00 for children counted in section 1124(c) in excess of 42,000. For the Commonwealth of Puerto Rico, the weighting factor shall be no greater than 1.62.

"(d) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—For each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total populations of fewer than 20,000 persons, the State education agency may either (1) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; or (2) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State education agency determines best reflects the current distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons. If a local educational agency serving an area with total populations of less than 20,000 persons is dissatisfied with the determination of its grant by the State education agency, then it may appeal this determination to the Secretary. The Secretary must respond to this appeal within 45 days of receipt. If, and only if, there are portions of any of the States for which the Department of Commerce has not prepared data on the number of children, aged 5-17, from families below the poverty level for local educational agencies, then the Secretary shall use such data compiled for counties in those portions of the States, treating the counties as if they were local educational agencies. The Secretary shall consult with the Secretary of Commerce regarding whether available data on population for local educational agencies serving areas with total populations of fewer than 20,000 persons are sufficiently reliable to be used to determine final grants to such areas.

"(e) STATE MINIMUM.—Notwithstanding any other provision of this section, from the total amount available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

"(1) one quarter of one percent of such amount;

"(2) 150 percent of the national average grant under this section per child described in section

1124(c), without application of a weighting factor, multiplied by the State's total number of children described in section 1124(c), without application of a weighting factor.

"SEC. 1126. SPECIAL ALLOCATION PROCEDURES.

"(a) ALLOCATIONS FOR NEGLECTED OR DELINQUENT CHILDREN.—(1) If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected or delinquent children as described in subparagraph 1124(c)(1)(C), the State educational agency shall, if it assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

"(2) If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

"(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 between and among the affected local educational agencies when—

"(1) two or more local educational agencies serve, in whole or in part, the same geographical area; or

"(2) a local educational agency provides free public education for children who reside in the school district of another local educational agency.

"(c) REALLOCATION.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

"SEC. 1127. CARRYOVER AND WAIVER.

"(a) LIMITATION ON CARRYOVER.—Notwithstanding section 412 of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

"(b) WAIVER.—A State educational agency may, once every three years, waive the percentage limitation in subsection (a) if—

"(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

"(2) supplemental appropriations for this subpart become available.

"(c) EXCLUSION.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than \$50,000 under this subpart for any fiscal year.

"PART B—EVEN START FAMILY LITERACY PROGRAMS

"SEC. 1201. STATEMENT OF PURPOSE.

"It is the purpose of this part to help break the cycle of poverty and illiteracy by improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as 'Even Start', that is implemented through cooperative projects that build on existing community resources to create a new range of services, that promotes achievement of the National Education Goals, and that assists children and

adults from low-income families to achieve challenging State standards.

"SEC. 1202. PROGRAM AUTHORIZATION.

"(a) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, INDIAN TRIBES, AND OTHER PURPOSES.—(1) In each fiscal year, the Secretary shall reserve not less than 5 percent of the amount appropriated under section 1002(b) of this title for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this part, and according to their relative needs, for—

"(A) children of migratory workers;

"(B) the outlying areas;

"(C) Indian tribes and tribal organizations; and

"(2) If the amount of funds made available under subsection (a) exceeds \$4,600,000, the Secretary shall make a grant of sufficient size and for a period of sufficient duration to demonstrate the effectiveness of a family literacy program in a prison that houses women and their preschool age children and that has the capability of developing a program of high quality.

"(b) RESERVATION FOR FEDERAL ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than three percent of such amounts or the amount reserved for such purposes in the fiscal year 1994, whichever is greater, for purposes of—

"(1) carrying out the evaluation required by section 1209; and

"(2) providing, through grants or contracts, technical assistance, program improvement, and replication activities through eligible organizations.

"(c) STATE ALLOCATION.—(1) After reserving funds under subsections (a) and (b), the Secretary shall allocate the remaining funds appropriated for this part to States, to be used in accordance with section 1203.

"(2) Except as provided in paragraph (3), from the total amount available for allocation to States in any fiscal year, each State shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to such total amount as the amount allocated to such State under section 1122 of this title bears to the total amount allocated under that section to all the States.

"(3) No State shall receive less than \$250,000 under paragraph (1) for any fiscal year.

"(d) DEFINITIONS.—For the purpose of this part—

"(1) the term 'eligible entity' means a partnership composed of both—

"(A) a local educational agency; and

"(B) a nonprofit community-based organization, public agency, institution of higher education, or other public or private nonprofit organization of demonstrated quality;

"(2) the terms 'Indian tribe' and 'tribal organization' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act;

"(3) the term 'State' includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

"(4) the term 'eligible organization' means any public or private nonprofit organization with a record of providing effective services to family literacy providers, such as the National Center for Family Literacy, Parents as Teachers, Inc., and the Home Instruction Program for Preschool Youngsters.

"SEC. 1203. STATE PROGRAMS.

"(a) STATE-LEVEL ACTIVITIES.—Each State that receives a grant under section 1202(c)(1) may use not more than 5 percent for—

"(1) administrative costs; and

"(2) the provision, through one or more subgrants or contracts, of access to technical assistance for program improvement and replication

to eligible entities that receive subgrants under subsection (b).

"(b) SUBGRANTS FOR LOCAL PROGRAMS.—(1) Each State shall use the remainder of its grant to make subgrants to eligible entities to carry out Even Start programs.

"(2) No State shall award a subgrant under paragraph (1) for an amount less than \$75,000.

"SEC. 1204. USES OF FUNDS.

"(a) IN GENERAL.—In carrying out an Even Start program under this part, a recipient of funds under this part shall use such funds to pay the Federal share of the cost of providing family-centered education programs that involve parents and children, from birth through age 7, in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.

"(b) FEDERAL SHARE LIMITATION.—(1)(A) Except as provided in paragraph (2), the Federal share under this part may not exceed—

"(i) 90 percent of the total cost of the program in the first year that that program receives assistance under this part or its predecessor authority;

"(ii) 80 percent in the second such year;

"(iii) 70 percent in the third such year;

"(iv) 60 percent in the fourth such year; and

"(v) 50 percent in any subsequent such year.

"(B) The remaining cost of a program under this part may be provided in cash or in kind, fairly evaluated, and may be obtained from any source other than funds received under this title.

"(2) The State educational agency may waive, in whole or in part, the cost-sharing requirement of paragraph (1) if an eligible entity—

"(A) demonstrates that it otherwise would not be able to participate in the program under this part; and

"(B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver would be applicable.

"(3) Federal funds under this part may not be used for the indirect costs of an Even Start program, except that the Secretary may waive this limitation if a recipient of funds reserved under section 1202(a)(3) demonstrates to the Secretary's satisfaction that it otherwise would not be able to participate in the program under this part.

"SEC. 1205 PROGRAM ELEMENTS.

"Each Even Start program assisted under this part shall—

"(1) include the identification and recruitment of families most in need of services provided under this part, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators;

"(2) include screening and preparation of parents and children to enable them to participate fully in the activities and services provided under this part, including testing, referral to necessary counseling, other developmental and support services, and related services;

"(3) be designed to accommodate the participants' work schedule and other responsibilities, including the provision of support services, when unavailable from other sources, necessary for participation, such as—

"(A) scheduling and locating of services to allow joint participation by parents and children;

"(B) child care for the period that parents are involved in the program provided under this part; and

"(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this part;

"(4) include high-quality instructional programs that promote adult literacy, empower par-

ents to support the educational growth of their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

"(5) include special training of staff, including child care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this part;

"(6) provide and monitor integrated instructional services to participating parents and children through home-based programs;

"(7) operate on a year-round basis, including the provision of some program services, either instructional or enrichment, or both, during the summer months;

"(8) be coordinated with—

"(A) programs assisted under other parts of this title and this Act;

"(B) any relevant programs under the Adult Education Act, the Individuals With Disabilities Education Act, and the Job Training Partnership Act; and

"(C) the Head Start program, volunteer literacy programs, and other relevant programs; and

"(9) provide for an independent evaluation of the program.

"SEC. 1206. ELIGIBLE PARTICIPANTS.

"(a) IN GENERAL.—Except as provided in subsection (b), eligible participants in an Even Start program are—

"(1) a parent or parents—

"(A) who are eligible for participation in an adult basic education program under the Adult Education Act; or

"(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this part; and

"(2) the child or children, from birth through age seven, of any parent described in paragraph (1).

"(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—(1) Family members other than those described in subsection (a) may participate in program activities and services, when deemed by the program to serve the purpose of this part.

"(2) Any family participating in a program under this part that becomes ineligible for such participation as a result of one or more members of the family becoming ineligible for such participation may continue to participate in the program until all members of the family become ineligible for participation, which—

"(A) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of eight, shall be in two years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

"(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of eight.

"SEC. 1207. APPLICATIONS.

"(a) SUBMISSION.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.

"(b) REQUIRED DOCUMENTATION.—Each application shall include documentation, satisfactory to the State educational agency, that the eligible entity has the qualified personnel needed—

"(1) to develop, administer, and implement an Even Start program under this part; and

"(2) to provide access to the special training necessary to prepare staff for the program, which may be offered by an eligible organization.

"(c) PLAN.—Such application shall also include a plan of operation for the program which shall include—

"(1) a description of the program goals;

"(2) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1205;

"(3) a description of the population to be served and an estimate of the number of participants;

"(4) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or other eligible organizations in carrying out the program for which assistance is sought;

"(5) a statement of the methods that will be used—

"(A) to ensure that the programs will serve families most in need of the activities and services provided by this part;

"(B) to provide services under this part to individuals with special needs, such as individuals with limited English proficiency and individuals with disabilities; and

"(C) to encourage participants to remain in the program for a time sufficient to meet the program's purpose; and

"(6) a description of how the plan—

"(i) is consistent with and promotes the goals of the State and local plans, either approved or being developed, under title III of the Goals 2000: Educate America Act; and

"(ii) is consistent with the State and local plans under sections 1111 and 1112; or

"(B) is consistent with the State and local plans under sections 1111 and 1112 is the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan.

"(d) The plan described in subsection (c)(6) may be submitted as part of a consolidated application under section 9302.

"SEC. 1208. AWARD OF SUBGRANTS.

"(a) SELECTION PROCESS.—(1) The State educational agency shall establish a review panel that will approve applications that—

"(A) are most likely to be successful in meeting the purpose of this part, and in effectively implementing the program elements required under section 1205;

"(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and families who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, or limited English proficiency;

"(C) provide services for at least a three-year age range, which may begin at birth;

"(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

"(E) include cost-effective budgets, given the scope of the application;

"(F) demonstrate the applicant's ability to provide the additional funding required by section 1204(b);

"(G) are representative of urban and rural regions of the State; and

"(H) show the greatest promise for providing models that may be adopted by other local educational agencies.

"(2) The State educational agency shall give priority for subgrants under this subsection to proposals that either—

"(A) target services primarily to families described in paragraph (1)(B); or

"(B) are located in areas designated as empowerment zones or enterprise communities.

"(b) REVIEW PANEL.—A review panel shall consist of at least three members, including one

early childhood professional, one adult education professional, and one or more of the following individuals:

"(1) A representative of a parent-child education organization.

"(2) A representative of a community-based literacy organization.

"(3) A member of a local board of education.

"(4) A representative of business and industry with a commitment to education.

"(5) An individual who has been involved in the implementation of programs under this title in the State.

"(c) DURATION.—(1) Subgrants may be awarded for a period not to exceed four years.

"(2) The State educational agency may provide a subgrantee, at the subgrantee's request, a 3- to 6-month start-up period during the first year of the four-year period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program.

"(3)(A) In reviewing any application for a subgrant to continue a program for the second, third, or fourth year, the State educational agency shall review the progress being made toward meeting the objectives of the program after the conclusion of the start-up period, if any.

"(B) The State educational agency may refuse to award a subgrant if such agency finds that sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for a hearing.

"(4)(A) An eligible entity that has previously received a subgrant under this part may reapply under the terms of this part for a second project period.

"(B) During the second project period, the Federal share of the subgrant shall not exceed 50 percent in any year.

"SEC. 1209. EVALUATION.

"From funds reserved under section 1202(b)(1), the Secretary shall provide for an independent evaluation of programs under this part—

"(1) to determine the performance and effectiveness of programs; and

"(2) to identify effective Even Start projects that can be replicated and used in providing technical assistance to national, State, and local programs.

"PART C—EDUCATION OF MIGRATORY CHILDREN

"SEC. 1301. PROGRAM PURPOSE.

"It is the purpose of this part to assist States to—

"(1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;

"(2) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;

"(3) ensure that migratory children have the opportunity to meet the same challenging performance standards that all children are expected to meet;

"(4) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit their ability to do well in school, and to prepare these children to make a successful transition to postsecondary education or employment; and

"(5) ensure that migratory children benefit from State and local systemic reforms.

"SEC. 1302. PROGRAM AUTHORIZED.

"In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, or combinations of such

agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.

"SEC. 1303. STATE ALLOCATIONS.

"(a) **STATE ALLOCATIONS.**—Each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part, for each fiscal year, an amount equal to—

"(1) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average expenditure per pupil in the United States.

"(b) **ALLOCATION TO PUERTO RICO.**—For each fiscal year, the amount for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to—

"(1) the number of migratory children in Puerto Rico, determined under subsection (a)(1); multiplied by

"(2) the product of—

"(A) the percentage that the average expenditure per pupil in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average expenditure per pupil in the United States.

"(c) **RATABLE REDUCTIONS; REALLOCATIONS.**—(1)(A) If, after the Secretary reserves funds under section 1303(c), the amount appropriated to carry out this part for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

"(B) If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary finds would best carry out the purpose of this part.

"(2)(A) The Secretary shall further reduce the amount of any grant to a State under this part for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address such needs, that such amount exceeds the amount required under section 1304.

"(B) The Secretary shall reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

"(d) **CONSORTIUM ARRANGEMENTS.**—(1) In the case of a State that receives a grant of \$1,000,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner.

"(2) A State, irrespective of the amount of its allocation, may propose a consortium arrangement.

"(3) The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

"(A) reduce administrative costs or program function costs for State programs; and

"(B) make more funds available for direct services to add substantially to the welfare or educational attainment of children to be served under this part.

"(e) **DETERMINING NUMBERS OF ELIGIBLE CHILDREN.**—In order to determine the estimated

number of migratory children residing in each State for purposes of this section, the Secretary shall—

"(1) use such information as the Secretary finds most accurately reflects the actual number of migratory children;

"(2) as soon as feasible develop and implement a procedure for more accurately reflecting cost factors for different types of summer program designs which will be used to adjust the estimated number of children who reside in a State in order to reflect the number of migratory children who are served in summer programs (which may include intersession programs) in the State and the additional costs of operating such programs; and

"(3) conduct an analysis of the options for adjusting the formula so as to better direct services to the child whose education has been interrupted.

"SEC. 1304. STATE APPLICATIONS; SERVICES.

"(a) **APPLICATION REQUIRED.**—Any State wishing to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) **PROGRAM INFORMATION.**—Each such application shall include—

"(1) a description of how, in planning, implementing, and evaluating programs and projects under this part, the State and its operating agencies will ensure that the special educational needs of migratory children are identified and addressed through a comprehensive plan for needs assessment and service delivery that meets the requirements of section 1306, including, when feasible, recording the migratory status of such children and their average daily attendance on State student collection data;

"(2) a description of the steps the State is taking to provide migratory students with the opportunity to meet the same challenging performance standards that all children are expected to meet;

"(3) a description of how the State will use its funds to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, it will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not during the regular school year;

"(4) a description of the State's priorities for the use of funds received under this part, and how they relate to the State's assessment of needs for services in the State;

"(5) a description of how the State will determine the amount of any subgrants it will award to local operating agencies, taking into account the requirements of paragraph (1); and

"(6) such budgetary and other information as the Secretary may require.

"(c) **ASSURANCES.**—Each such application shall also include assurances, satisfactory to the Secretary, that—

"(1) funds received under this part will be used only—

"(A) for programs and projects, including the acquisition of equipment, in accordance with section 1306(b)(1); and

"(B) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families;

"(2) such programs and projects will be carried out in a manner consistent with the objectives of sections 1114, 1115(b) and (d), 1120, and 1121(b) and (c), and part F of this title;

"(3) in the planning and operation of programs and projects at both the State and local operating agency level, there is appropriate con-

sultation with parent advisory councils for programs lasting a school year, and that all such programs and projects are carried out, to the extent feasible, in a manner consistent with section 1118 of this title;

"(4) in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children;

"(5) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under part A of this title; and

"(6) the State will assist the Secretary in determining the number of migratory children under section 1303(e), through such procedures as the Secretary may require.

"(d) **PRIORITY FOR SERVICES.**—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging performance standards, and whose education has been interrupted during the regular school year.

"(e) **CONTINUATION OF SERVICES.**—Notwithstanding any other provision of this part—

"(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term;

"(2) a child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs; and

"(3) secondary school students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.

"SEC. 1305. SECRETARIAL APPROVAL; PEER REVIEW.

"(a) **SECRETARIAL APPROVAL.**—The Secretary shall approve each State application that meets the requirements of this part.

"(b) **PEER REVIEW.**—The Secretary may review any such application with the assistance and advice of State officials and other individuals with relevant expertise.

"SEC. 1306. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.

"(a) **COMPREHENSIVE PLAN.**—Each State that receives a grant under this part shall ensure that the State and its local operating agencies identify and address the special educational needs of migratory children in accordance with a comprehensive State plan that—

"(1)(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act and satisfies the requirements of this section that are not already addressed by such State plan; and

"(B) is integrated with other State plans, if any, under the School-To-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Act to the extent that such plans have not already been incorporated in the State's plan under title III of the Goals 2000: Educate America Act;

"(2) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan—

"(A) is integrated with other State plans, such as those under the School-To-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Act, where such plans exist; and

"(B) satisfies the requirements of this section;

"(3) may be submitted as a part of a consolidated application under section 9302;

"(4) provides that migratory children will have an opportunity to meet the same challeng-

ing performance standards, set out in those plans, that all children are expected to meet;

"(5) specifies measurable program goals and outcomes;

"(6) encompasses the full range of services that are available for migratory children from appropriate local, State and Federal educational programs;

"(7) is the product of joint planning among such local, State, and Federal programs, including those under part A of this title, early childhood programs, and bilingual education programs under title VII of this Act;

"(8) provides for the integration of services available under this part with services provided by such other programs; and

"(9) to the extent feasible, provides for—

"(A) advocacy and outreach activities for migratory children and their families, including informing them of, or helping them gain access to, other education, health, nutrition, and social services;

"(B) professional development programs, including mentoring, for teachers and other program personnel;

"(C) parent involvement programs (as defined under section 1118) and, when feasible, the establishment of instructional programs such as use of the model developed under the Even Start Family Literacy Programs that promote adult literacy and train parents to support the educational growth of their children;

"(D) the integration of communication and information technology into educational and related programs; and

"(E) programs to facilitate the transition of high school students to postsecondary education or employment.

A State may satisfy all or part of the requirements of this section by referencing applicable sections of its approved plan under title III of the Goals 2000: Educate America Act.

"(b) AUTHORIZED ACTIVITIES.—(1) In implementing the comprehensive plan described in subsection (a), each local operating agency shall have the flexibility to determine the activities to be provided with funds made available under this part, provided that—

"(A) before funds provided under this part are used to provide services described in subparagraph (B), those funds shall be used to meet the identified needs of migratory children that—

"(i) result from the effects of their migratory lifestyle, or are needed to permit migratory children to participate effectively in school; and

"(ii) are not addressed by services provided under other programs, including part A of this title; and

"(B) all migratory children who are eligible to receive services under part A of this title shall receive such services with funds provided under this part or under part A of this title.

"(2) This subsection shall not apply to funds under this part that are used for schoolwide programs under section 1114 of this title.

"SEC. 1307. BYPASS.

"The Secretary may use all or part of any State's allocation under this part to make arrangements with any public or private nonprofit agency to carry out the purpose of this part in such State if the Secretary determines that—

"(1) the State is unable or unwilling to conduct educational programs for migratory children;

"(2) such arrangements would result in more efficient and economic administration of such programs; or

"(3) such arrangements would add substantially to the welfare or educational attainment of such children.

"SEC. 1308. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.

"(a) IMPROVEMENT OF COORDINATION.—The Secretary, in consultation with the States, may

make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private nonprofit entities to improve the interstate and intrastate coordination among State and local educational agencies of their educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students. Grants under this subpart may be made for up to 5 years.

"(b) ASSISTANCE AND REPORTING.—(1) Within 60 days of enactment, the Secretary shall convene a panel of Chief State School Officers and technical experts to assess alternative methods by which student records may be transferred from one school to another. Within 150 days of having been convened, the panel shall make recommendations to the Secretary on how schools may adopt the most cost-effective means of exchanging of school records. The Secretary shall also develop the most cost-effective and accurate method of determining the number of students or full-time equivalent students in each State on a yearly basis. The Secretary shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate the panel's findings and the Secretary's recommendations.

"(2) The Secretary may contract for services for purposes of this section.

"(c) AVAILABILITY OF FUNDS.—For the purpose of carrying out this section, the Secretary shall reserve up to \$6,000,000 from the amount appropriated under section 1002(3) for each fiscal year to carry out this part.

"(d) COMPETITIVE GRANTS.—From the amounts made available for this section, the Secretary shall reserve not more than \$1,500,000 to award, on a competitive basis, grants in the amount of up to \$100,000 each to State educational agencies with consortium agreements described under section 1303(d). Not less than 10 of such grants shall be awarded to States which receive allocations of less than \$1,000,000 if such States have approved agreements.

"SEC. 1309. DISTANCE LEARNING.

"(a) PROGRAM.—The Secretary may establish a distance learning program to provide, through competitive grants, continuity in the education of migrant children using technology, interactive learning, computers, and automated technology links achieved with modems and telephone networks.

"(b) FUNDS.—Not more than \$3,000,000 may be used to establish the program under subsection (a).

"SEC. 1310. DEFINITIONS.

"As used in this part, the following terms have the following meanings:

"(1) The term 'local operating agency' means—

"(A) a local educational agency to which a State educational agency makes a subgrant under this part;

"(B) a public or nonprofit private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this part; or

"(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly.

"(2) The term 'migratory child' means—

"(A) for fiscal year 1996 and subsequent years, a child who is, or whose parent or spouse is, a migratory agricultural worker (including a migratory dairy worker) or a migratory fisher, and who, in the preceding 24 months, in order to obtain, or accompany such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work—

"(i) has moved from one local educational agency to another; or

"(ii) in a State that is comprised of a single local educational agency, has moved from one administrative area to another within such agency; or

"(B) for fiscal year 1995 only, a child fulfilling the requirements of subparagraph (A) for a period of 36 months instead of for 24 months.

"PART D—PREVENTION AND INTERVENTION SERVICES FOR DELINQUENT YOUTH AND YOUTH AT RISK OF DROPPING OUT

"SEC. 1401. FINDINGS; PURPOSE; PROGRAM AUTHORIZED.

"(a) FINDINGS.—Congress finds the following:

"(1) A large percentage of youth in the juvenile justice system have poor academic achievement, are a year or more behind grade level, and have dropped out of school.

"(2) There is a strong correlation between academic failure and involvement in delinquent activities.

"(3) Preventing students from dropping out of local schools and addressing the educational needs of delinquent youth can help reduce the dropout rate and involvement in delinquent activities at the same time.

"(4) Many schools and correctional facilities fail to communicate regarding a youth's academic needs and students often return to their home school ill-prepared to meet current curriculum requirements.

"(5) Schools are often reluctant to deal with youth returning from facilities and receive no funds to deal with the unique educational and other needs of such youth.

"(6) A continuing need exists for activities and programs to reduce the incidence of youth dropping out of school.

"(7) Federal dropout prevention programs have demonstrated effectiveness in keeping children and youth in school.

"(8) Pregnant and parenting teens are a high at-risk group for dropping out of school and should be targeted by dropout prevention programs.

"(9) Such youth need a strong dropout prevention program which provides them with high level skills and which provides supports to youth returning from correctional facilities in order to keep them in school.

"(b) PURPOSE.—It is the purpose of this part—

"(1) to improve educational services to children in local and State institutions for delinquent children so that they have the opportunity to meet the same challenging State performance standards that all children in the State will be expected to meet;

"(2) to provide such children the services they need to make a successful transition from institutionalization to further schooling or employment; and

"(3) to prevent at-risk youth from dropping out of school and to provide dropouts and youth returning from institutions with a support system to ensure their continued education.

"(c) PROGRAM AUTHORIZED.—In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, which shall make subgrants to State agencies and local educational agencies to establish or improve programs of education for delinquent children and youth at risk of dropping out of school before graduation.

"SEC. 1402. PAYMENTS FOR PROGRAMS UNDER THIS PART.

"(a) AGENCY SUBGRANTS.—Based on the allocation amount computed under section 1403, the Secretary shall allocate to each State educational agency amounts necessary to make subgrants to State agencies.

"(b) LOCAL SUBGRANTS.—Each State shall retain, for purposes of subpart 2, funds generated throughout the State under part A based on youth residing in local correctional facilities, or

attending community day programs for delinquent children.

"(c) **USE OF REMAINING FUNDS.**—Each State shall use any funds remaining after allocations are made under subsection (a).

"Subpart 1—State Agency Programs

"SEC. 1403. AMOUNT OF ALLOCATION TO STATE.

"(a) **STATE ALLOCATION.**—Each State educational agency is eligible to receive under this part, for each fiscal year, an amount equal to the product of—

"(1) the number of delinquent children in State correctional facilities serving youth under the age of 21 who are enrolled for at least 20 hours per week in education programs operated or supported by facilities serving youth, and 10 hours a week in adult facilities serving youth.

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent or more than 48 percent of the average per-pupil expenditure in the United States.

"(b) **SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.**—For each fiscal year, the amount of the grant for which a State agency in the Commonwealth of Puerto Rico is eligible under this part shall be equal to—

"(1) the number of children counted under subsection (a)(1) for Puerto Rico; multiplied by the product of—

"(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"SEC. 1404. STATE PLAN.

"(a) **STATE PLAN.**—(1)(A) Each State educational agency that desires to receive payments under this part shall submit, for approval by the Secretary, a plan, which shall be revised and updated as needed, for meeting the needs of delinquent youth and children at risk of dropping out that—

"(i) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by such State plan; or

"(ii) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act or is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section.

"(B) A State plan submitted under paragraph (1)(A)(i) may, if necessary, be submitted as an amendment to the State's plan under title III of the Goals 2000: Educate America Act.

"(2) Each such plan shall also—

"(A) describe the State-established program goals, objectives, and performance measures that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

"(B) provide that, to the extent feasible, such children will have the same opportunities to learn as they would have if they were in schools of local educational agencies in the State;

"(C) describe the manner in which such State educational agency will make subgrants; and

"(D) contain assurances that the State educational agency will—

"(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection;

"(ii) carry out the evaluation requirements of section 1408;

"(iii) ensure that its State agencies comply with all applicable statutory and regulatory requirements; and

"(iv) provide such other information as the Secretary may reasonably require.

"(b) **SECRETARIAL APPROVAL; PEER REVIEW.**—(1) The Secretary shall approve each State plan that meets the requirements of this part.

"(2) The Secretary may review any such plan with the assistance and advice of individuals with relevant expertise.

"(c) **SUBGRANTS TO STATE AGENCIES.**—A State agency is eligible for assistance under this part if it is responsible for providing free public education for children in institutions for delinquent children.

"(d) **STATE AGENCY APPLICATIONS.**—A State agency that desires to receive funds to carry out a program under this part shall submit an application to the State educational agency that—

"(1) describes the procedures to be used, consistent with the State plan under part A of this title, to assess the educational needs of the children to be served;

"(2) provides assurances that in making services available to youth in adult correctional facilities, priority will be given to such youth who are likely to complete incarceration within a 2-year period;

"(3) describes the program, including a budget for the first year of the program, with annual updates to be provided;

"(4) describes how the program will meet the goals and objectives of the State plan under this part;

"(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1406 are of high quality;

"(6) describes how the agency will carry out the evaluation requirements of section 1408 and how the results of the most recent evaluation are used to plan and improve the program;

"(7) includes data showing that the agency has maintained fiscal effort required of a local educational agency, in accordance with section 9501 of this title;

"(8) describes how the programs will be coordinated with other appropriate State and Federal programs, including the Job Training Partnership Act, vocational education, State and local dropout prevention programs, and special education;

"(9) describes how appropriate professional development will be provided to teachers and other instructional and administrative personnel;

"(10) designates an individual in each affected institution to be responsible for issues relating to the transition of children from an institution to locally operated programs;

"(11) describes how the agency will, endeavor to coordinate with businesses for training and mentoring for participating youth;

"(12) describes how the agency will assist in locating alternative programs through which students can continue their education if they are not returning to school after leaving the correctional facility;

"(13) describes how the agency will work with parents to secure their assistance in improving the educational achievement of their children and preventing their further involvement in delinquent activities;

"(14) describes how the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth's local school if such youth is identified as in need of special education services while the youth is in the facility and if the youth intends to return to the local school;

"(15) describes how the agency will work with youth who dropped out of school before entering the facility to encourage such youth to reenter school once their term has been completed or provide the youth with the skills necessary to gain employment, continue their education, or achieve a high school equivalency certificate if the youth does not intend to return to school;

"(16) provides assurances that teachers and other qualified staff are also trained to work

with children with disabilities and other students with special needs taking into consideration the unique needs of such students;

"(17) describes any additional services provided to youth, including career counseling, assistance in securing student loans, grants; and

"(18) describes how this program will be coordinated with any programs operated under the Juvenile Justice and Delinquency Act, if applicable.

"SEC. 1405. USE OF FUNDS.

"(a) **GENERAL.**—(1) A State agency shall use funds received under this part only for programs and projects that—

"(A) are consistent with the State plan referred to in section 1404(a); and

"(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to high school completion, further education, or employment.

"(2) Such programs and projects—

"(A) may include the acquisition of equipment;

"(B) shall be designed to support educational services that—

"(i) except for institution-wide projects under section 1406, are provided to children identified by the State agency as failing, or most at risk of failing, to meet the State's challenging performance standards;

"(ii) supplement and improve the quality of the educational services provided to such children by the State agency; and

"(iii) afford such children an opportunity to learn to such challenging State standards;

"(C) shall be carried out in a manner consistent with section 1119(b) and part F of this title; and

"(D) may include the costs of meeting the evaluation requirements of section 1408.

"(b) **SUPPLEMENT, NOT SUPPLANT.**—A program under this part that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the 'supplement, not supplant' requirement of section 1119(b) of this title without regard to the subject areas in which instruction is given during those hours.

"SEC. 1406. INSTITUTION-WIDE PROJECTS.

"A State agency that provides free public education for children in an institution for delinquent children may use funds received under this part to serve all children in, and upgrade the entire educational effort of, such institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for such institution or program that—

"(1) provides for a comprehensive assessment of the educational needs of all youth in the institution or program serving juveniles;

"(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a 2-year period;

"(3) describes the steps the State agency has taken, or will take, to provide all children under 21 with the opportunity to meet challenging academic and vocational standards in order to improve the likelihood that the students will complete high school, attain high school equivalency, or find employment after leaving the institution;

"(4) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for secondary school students;

"(5) specifically describes how such funds will be used;

"(6) describes the measures and procedures that will be used to assess student progress;

"(7) describes how the agency has planned, and will implement and evaluate, the institu-

tion-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions for delinquent children and personnel from the State educational agency; and

"(8) includes an assurance that the State agency has provided for appropriate training to teachers and other instructional and administrative personnel to enable them to carry out the project effectively.

"SEC. 1407. THREE-YEAR PROJECTS.

"If a State agency operates a program under this part in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this part for a period not to exceed 3 years.

"SEC. 1408. TRANSITION SERVICES.

"(a) **TRANSITION SERVICES.**—Each State agency shall reserve not more than 10 percent of the amount it receives under this part for any fiscal year to support projects that facilitate the transition of children from State-operated institutions to local educational agencies.

"(b) **CONDUCT OF PROJECTS.**—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

"(c) **LIMITATION.**—Any funds reserved under subsection (a) shall be used only to provide transitional educational services, which may include counseling and mentoring, to delinquent children in schools other than State-operated institutions.

"Subpart 2—Local Agency Programs

"SEC. 1410. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

"(a) **LOCAL SUBGRANTS.**—With funds retained under section 1402(2), the State educational agency shall make subgrants to local educational agencies with—

"(1) a high number or percentage of youth who are residing in local (including county) correctional facilities for youth (including those involved in day programs); and

"(2) which have the highest numbers or percentage of youth in the State which have dropped out of school in the preceding fiscal year.

"(b) **NOTIFICATION.**—A State educational agency shall notify local educational agencies which meet the criteria of subsection (a) of their eligibility for participation in the program.

"(c) **PURPOSE OF LOCAL EDUCATIONAL AGENCY PROGRAMS.**—The purpose of this section is the operation of local educational agency programs which involve collaboration between local educational agencies and local correctional facilities serving such youth to—

"(1) continue transition activities for youth returning from such facilities;

"(2) to operate dropout prevention programs in local schools for youth at risk of dropping out and youth returning from correctional facilities; and

"(3) to prepare youth who have finished their period of incarceration for employment, high school completion, and further education.

"(d) **LOCAL EDUCATIONAL AGENCY APPLICATIONS.**—(1) Eligible local educational agencies which choose to take part in programs funded under this section shall submit an application to the State educational agency, containing such information on programs to be operated under this section as the State educational agency may require, and which shall include—

"(1) a description of formal agreements between the local educational agency and correctional facilities and alternative school programs serving youth involved with the juvenile justice system to operate programs for delinquent youth;

"(2) a description of how participating schools will coordinate with facilities working with delinquent youth to ensure that such youth are participating in an education program comparable to one operating in the local school such youth would attend;

"(3) a description of the dropout prevention program operated by participating schools and the types of services such schools will provide to at risk youth in participating schools and youth returning from correctional facilities;

"(4) a description of the youth expected to be served by the dropout prevention program and how the school will be coordinating existing educational programs to meet unique education needs;

"(5) a description of how schools will coordinate with existing social and health services to meet the needs of students at risk of dropping out of school and other participating students, including prenatal health care and nutrition services related to the health of the parent and child, parenting and child development classes, child care, targeted re-entry and outreach programs, referrals to community resources, and scheduling flexibility;

"(6) a description of any partnerships with local businesses to develop training and mentoring services for participating students;

"(7) a description of how the program will involve parents in efforts to improve the education achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

"(8) a description of how this program will be coordinated with other Federal, State, and local programs, including the Job Training and Partnership Act and vocational education programs serving this at risk population of youth;

"(9) a description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act, if applicable;

"(10) a description of how schools will work with probation officers to assist in meeting the needs of youth returning from correctional facilities;

"(11) a description of efforts participating schools will make to ensure correctional facilities working with youth are aware of a child's existing individualized education program; and

"(12) a description of the steps participating schools will take to find alternative placements for youth interested in continuing their education but unable to participate in a regular public school program.

"(e) **USES OF FUNDS.**—Funds provided to local educational agencies under this section may be used for—

"(1) dropout prevention programs which serve youth at educational risk, including pregnant and parent teens, youth who have come in contact with the juvenile justice system, youth at least one year behind their expected grade level, migrants, immigrants, students with limited-English proficiency and gang members;

"(2) the coordination of health and social services for such youth if there is a likelihood that the provision of such services including day care and drug and alcohol counseling, will improve the likelihood such students will complete their education; and

"(3) programs to meet the unique education needs of youth at risk of dropping out, which may include vocational education, special education, career counseling, and assistance in securing student loans or grants.

"(f) **PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.**—Each facility entering into a partnership with a local educational agency to provide services to youth under this section shall—

"(1) ensure educational programs in juvenile facilities are coordinated with the student's

home school, particularly with respect to special education students with an individualized education program;

"(2) notify the local school of a youth if the youth is identified as in need of special education services while in the facility;

"(3) provide transition assistance to help the youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

"(4) provide support programs which encourage the youth who have dropped out to reenter school once their term has been completed or provide such youth with the skills necessary for them to gain employment or seek a high school equivalency certificate;

"(5) work to ensure facilities are staffed with teachers and other qualified staff who are also trained to work with children with disabilities and other special needs students taking into consideration such unique needs;

"(6) ensure educational programs in correctional facilities are related to assisting students meet high educational standards;

"(7) use, to the extent possible, technology to assist coordinating educational programs between the juvenile facility and community school;

"(8) involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

"(9) coordinate funds received under this program with other available State, local, and Federal funds to provide services to participating youth, including the Job Training Partnership Act, and vocational education;

"(10) coordinate programs operated under this section with activities funded under the Juvenile Justice and Delinquency Prevention Act, if applicable; and

"(11) if appropriate, work with local businesses to develop training and mentoring programs for participating youth.

"(g) **ACCOUNTABILITY.**—The State educational agency may—

"(1) reduce or terminate funding for projects funded under this section in local educational agencies if such agencies do not show progress in reducing dropout rates for male students and for female students over a 3-year period; and

"(2) require juvenile facilities to demonstrate, after 3 years, that there has been an increase in the number of youth returning to school, obtaining high school equivalency certificates, or obtaining employment after such youth are released.

"SEC. 1411. PROGRAM EVALUATIONS.

"(a) **SCOPE OF EVALUATION.**—Each State agency or local educational agency that conducts a program under subpart 1 or 2 shall evaluate the program, disaggregating data on participation by sex, and if feasible, by race, ethnicity, and age, not less than once every 3 years to determine its impact on the ability of participants to—

"(1) maintain and improve educational achievement;

"(2) accrue school credits that meet State requirements for grade promotion and high school graduation;

"(3) for delinquent youth, make the transition to a regular program or other education program operated by a local educational agency; and

"(4) complete high school (or high school equivalency requirements) and obtain employment after leaving the institution.

"(b) **EVALUATION MEASURES.**—In conducting each such evaluation with respect to subsection (a)(1), a State agency or local educational agency shall use multiple and appropriate measures of student progress.

"(c) EVALUATION RESULTS.—Each State agency and local educational agency shall—

"(1) submit evaluation results to the State educational agency; and

"(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children.

"SEC. 1412. DEFINITIONS.

"For the purpose of this part, the following terms have the following meanings:

"(1) The term 'adult correctional institution' means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age.

"(2) The term 'at risk youth' means school aged youth who are at risk of academic failure, have drug or alcohol problems, are pregnant or are parents, have come into contact with the juvenile justice system in the past, are at least one year behind the expected grade level for such age, have limited-English proficiency, are gang members, have dropped out in the past, or have high absenteeism rates.

"(3) The term 'community-day program' means a regular program of instruction provided by a State agency at a community-day school operated specifically for delinquent children.

"(4) The term 'institution for delinquent children' means a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

"PART E—FEDERAL EVALUATIONS, DEMONSTRATIONS, AND TRANSITION PROJECTS

"SEC. 1501. EVALUATIONS.

"(a) NATIONAL ASSESSMENT.—(1) The Secretary shall conduct a national assessment of programs under this title, in coordination with the ongoing Chapter 1 Longitudinal Study under subsection (b) of this section, that shall be planned, reviewed, and conducted in consultation with an independent panel of researchers, State practitioners, local practitioners, and other appropriate individuals.

"(2) The assessment shall examine how well schools, local educational agencies, and States—

"(A) are progressing toward the goal of all children served under this title reaching the State's content and performance standards; and

"(B) are accomplishing the specific purposes set out in section 1001(d) of this title to achieve this goal, including—

"(i) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children reach them;

"(ii) providing children an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time that children receive;

"(iii) promoting schoolwide reform and access of all children to effective instructional strategies and challenging academic content;

"(iv) significantly upgrading the quality of the curriculum and instruction by providing staff in participating schools with substantial opportunities for professional development;

"(v) coordinating services under all parts of this title with each other, with other educational services, including preschool services, and, to the extent feasible, with health and social service programs funded from other sources;

"(vi) affording parents meaningful opportunities to participate in the education of their children at home and at school, including the provisions of family literacy services;

"(vii) distributing resources to areas where needs are greatest;

"(viii) improving accountability, as well as teaching and learning, by making assessments under this title congruent with State assessment systems; and

"(ix) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.

"(3) Where feasible, the Secretary shall use information gathered from a variety of sources, including the National Assessment of Educational Progress, State evaluations, and available research studies in carrying out this subsection.

"(4) The Secretary shall submit a biennial report summarizing the cumulative findings to date of the assessment to the President and the appropriate committees of the Congress.

"(b) STUDIES AND DATA COLLECTION.—The Secretary may collect such data, as necessary, at the State, local, and school levels and conduct studies and evaluations, including national studies and evaluations, to assess on an ongoing basis the effectiveness of programs under this title and to report on such effectiveness on a periodic basis.

"(c) NATIONAL EVALUATION OF TITLE I.—The Secretary shall carry out an ongoing evaluation of the program under part A of this title in order to provide the public, Congress, and educators involved in such program, an accurate description of the effectiveness of such program and provide information that can be used to improve such program's effectiveness. Such evaluation shall—

"(1) have a longitudinal design tracking cohorts of students for at least 3 years which, when the cohorts are taken as a whole, provides a picture of such program's effectiveness over the elementary and secondary grades;

"(2) be separate and independent from State and local assessments and evaluations as required under this part;

"(3) utilize the highest available content standards that are generally accepted as national in scope;

"(4) provide information on all students, students served under this part, and, if funds are sufficient, information on students from low-income families and limited English proficient students; and

"(5) when feasible, collect, cross-tabulate, and report data by sex within race or ethnicity and socioeconomic status.

The Secretary shall use the information from this evaluation as part of the national assessment required by subsection (a) and shall report the data from this evaluation to the Congress and the public at least as frequently as that assessment.

"(d)(1) In conducting the National Assessment under subsection (a) and the National Evaluation under subsection (b), the Secretary shall not assess the progress of students in grade 1, kindergarten, and pre-kindergarten on the basis of outcome measures such as content and performance standards;

"(2) any assessments of children in grade 2 shall utilize matrix sampling and be performance-based; and

"(3) any data collected regarding children in grade 2 shall—

"(A) be collected at multiple points in time;

"(B) not be used to stigmatize, label, or place any child; and

"(C) be collected in multiple domains.

"(e) PARENTAL INVOLVEMENT, STUDY, REPORT AND DISSEMINATION.—(1) The Secretary, through the Office of Education Research and Improvement, shall conduct a study to identify and describe—

"(A) common barriers to effective parental involvement in the education of participating children; and

"(B) successful local policies and programs which improve parental involvement and the performance of participating children.

"(2) The Secretary shall—

"(A) complete such study by December 31, 1995;

"(B) report the findings of such study to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate; and

"(C) disseminate the findings, relating to the successful local policies and programs which improve parental involvement and the performance of participating children, to local educational agencies.

"SEC. 1502. DEMONSTRATIONS OF INNOVATIVE PRACTICES.

"(a) DEMONSTRATION PROGRAMS TO IMPROVE ACHIEVEMENT.—(1) From the funds appropriated for any fiscal year under section 1002(7)(B), the Secretary may make grants to State educational agencies, local educational agencies, other public agencies, nonprofit organizations, public/private partnerships involving business and industry organizations, and consortia of such bodies to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State standards. Such projects shall include promising strategies such as—

"(A) accelerated curricula, the application of new technologies to improve teaching and learning, extended learning time, and a safe and enriched full-day environment for children to provide them the opportunity to reach high standards;

"(B) integration of education services with each other and with health, family, and other social services such as mentoring programs, particularly in empowerment zones and enterprise communities;

"(C) effective approaches to whole school reform;

"(D) programs that have been especially effective with limited English proficient children, migratory children and other highly mobile students, children leaving institutions for neglected or delinquent children and returning to school, and homeless children and youth; and

"(E) programs that are built upon partnerships developed between elementary and middle schools, employers, and the community which emphasize the integration of high quality academic and vocational learning, stress excellence and high expectations for success in core academic subjects, instill responsibility, decision-making, problem solving, interpersonal skills, and other competencies in students, and make school relevant to the workplace and the community, through applied and interactive teaching methodologies, team teaching strategies, learning opportunities connecting school, the workplace, and the community, and career exploration, awareness, and career guidance opportunities.

"(2) The Secretary shall evaluate the demonstration projects supported under this title, using rigorous methodological designs and techniques, including control groups and random assignment, to the extent feasible, to produce reliable evidence of effectiveness.

"(b) PARTNERSHIPS.—(1) From funds appropriated under section 1002(7)(B) for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, local educational agencies, other public agencies, and non-profit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools supported under this title.

"SEC. 1503. INNOVATIVE ELEMENTARY SCHOOL TRANSITION PROJECTS.

"(a) IN GENERAL.—From not less than \$10,000,000 of the amount appropriated under section 1002(7)(B) the Secretary shall provide financial assistance to support innovative transition projects in elementary schools.

"(b) GRANTS.—(1) From 70 percent of the amount reserved under subsection (a) to carry

out this section, the Secretary shall make grants to local educational agencies for the purpose of supporting projects, for children from low-income families who previously attended Head Start, Even Start, or similar preschool programs, which provide educational and other services in kindergarten and early elementary grades.

"(2) The purpose of such projects are to assist such children to—

"(A) make a successful transition from preschool through the early elementary grades; and

"(B) achieve challenging academic standards.

"(3) A program assisted under this subsection shall—

"(A) provide transition-to-elementary school activities, such as—

"(i) development of a transition plan for each child, which provides for support and assistance through the third grade;

"(ii) transfer of each child's preschool records to the elementary school (with parental consent);

"(iii) formal meetings between a child's parent, preschool teacher, and kindergarten or first grade teacher; and

"(iv) kindergarten visits and other orientation activities for preschool children prior to enrollment in elementary school;

"(B) use a model instructional approach for which financial assistance is provided under subsection (d);

"(C) provide directly or through referral comprehensive educational, health, nutritional, social, and other services as will aid in the continued development of eligible children to their full potential; and

"(D) provide for the direct participation of the parents of such children in the development, operation, and evaluation of such program.

"(C) APPLICATIONS AND GRANT PRIORITY.—(1) An application for a grant under subsection (b) shall—

"(A) describe the transition-to-elementary school activities which the applicant plans to administer;

"(B) describe the model instructional approach the applicant will use, and the manner in which the applicant will implement such approach;

"(C) provide evidence that the applicant has made a formal arrangement to receive technical assistance and training from the agency, organization, or institution which sponsors such approach and receives funds under subsection (d);

"(D) describe the manner in which the applicant will provide comprehensive services to the children to be served;

"(E) describe how the applicant will provide for direct participation by parents in the planning, operation, and evaluation of such program;

"(F) describe how such program will be coordinated with title I, title VII, and other programs authorized under this Act; and

"(G) provide evidence that—

"(i) the applicant has entered into formal arrangements with local Head Start, Even Start, and other preschool programs to ensure that the transition activities supported by such program are effective; and

"(ii) the transition activities, instruction, and other services to be provided by the applicant have been specifically designed to build upon, and coordinate with, those services provided to eligible children and their parents in local Head Start, Even Start and other similar preschool programs.

"(2) In making grants under subsection (b), the Secretary shall—

"(A) give priority to applicants that—

"(i) propose to administer a project in schools designated as a schoolwide program under section 1114 of this Act; and

"(ii) propose to use an innovative transition and instructional approach which has been

shown to be effective for the purpose described in paragraph (2) of subsection (b); and

"(B) provide sufficient funds to enable programs to meet the purposes of paragraph (1) and the requirements of paragraph (2).

"(d) TECHNICAL ASSISTANCE AND TRAINING.—From 30 percent of the amount reserved under subsection (a), the Secretary shall make grants to public and private nonprofit agencies, institutions, and organizations to provide—

"(1) technical assistance in the implementation and expanded use of model transition and instructional approaches; and

"(2) training in conjunction with the implementation and operation of such model approaches.

"(e) GENERAL PROVISIONS.—

"(1) An application for assistance under this section may not be approved unless the Secretary is satisfied that the services to be provided by the applicant will supplement, and not supplant, services previously provided without Federal assistance.

"(2) A program which receives assistance under subsection (b) must demonstrate that such program achieved the purposes described in paragraph (2) of such subsection in order to be eligible for a renewal grant.

"PART F—GENERAL PROVISIONS

"SEC. 1601. FEDERAL REGULATIONS.

"(a) IN GENERAL.—The Secretary is authorized to issue such regulations as are necessary to reasonably ensure that there is compliance with this title.

"(b) NEGOTIATED RULEMAKING PROCESS.—(1) Prior to publishing proposed regulations in the Federal Register to carry out this title, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, and members of local boards of education involved with the implementation and operation of programs under this title.

"(2) Such advice and recommendations may be obtained through such mechanisms as regional meetings and electronic exchanges of information.

"(3) After obtaining such advice and recommendations, and prior to publishing proposed regulations, the Secretary shall—

"(A) establish a negotiated rulemaking process on a minimum of 4 key issues, including—

"(i) schoolwide projects;

"(ii) standards and assessment;

"(iii) parental involvement; and

"(iv) professional development;

"(B) select individuals to participate in such process from among individuals or groups which provided advice and recommendations, with representation from all geographic regions; and

"(C) prepare a draft of proposed policy options that shall be provided to the individuals selected by the Secretary under subparagraph (A) not less than 45 days prior to the first meeting under such process.

"(4) Such process—

"(A) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than the 240-day period required by section 437 of the General Education Provisions Act;

"(B) shall not be subject to the Federal Advisory Committee Act but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).

"(5) In an emergency situation in which regulations to carry out this title must be issued with a very limited time to assist State and local educational agencies with the operation of the program, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and prior to issuing final regulations, conduct regional meetings to review such proposed regulations.

"(c) SPECIAL RULE.—Funds made available under section 1002(7) may not be released by the Secretary for expenditure until such time as final regulations to carry out part A are published in the Federal Register.

"(d) LIMITATION.—Regulations to carry out this part may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.

"SEC. 1602. COORDINATION OF FEDERAL, STATE, AND LOCAL ADMINISTRATION.

"(a) PROGRAM ASSISTANCE MANUAL.—The Secretary shall, not later than 6 months after the publication of final regulations under this title, prepare and distribute to State educational agencies, State agencies operating programs under parts C and D, and local educational agencies, and shall make available to parents and other interested individuals, organizations, and agencies, a manual for this title to—

"(1) assist such agencies in—

"(A) enhancing the quality, increasing the depth, or broadening the scope of activities for programs under this title;

"(B) applying for program funds under this title; and

"(C) meeting the program objectives under this title;

"(2) assist State educational agencies in achieving proper and efficient administration of programs funded under this title;

"(3) assist parents to become involved in the planning for, and implementation and evaluation of, programs and projects under this title; and

"(4) ensure that officers and employees of the Department of Education, including officers and employees of the Secretary and officers and employees of such Department charged with auditing programs carried on under this title, uniformly interpret, apply, and enforce requirements under this title throughout the United States.

"(b) CONTENTS OF POLICY MANUAL.—The policy manual shall, with respect to programs carried out under this title, contain descriptions, statements, procedural and substantive rules, opinions, policy statements and interpretations and indices to and amendments of the foregoing, and in particular, whether or not such items are required under section 552 of title 5, United States Code, to be published or made available. The manual shall include—

"(1) a statement of the requirements applicable to the programs carried out under this title, including such requirements contained in this title, the General Education Provisions Act, other applicable statutes, and regulations issued under the authority of such statutes;

"(2) an explanation of the purpose of each requirement and its interrelationship with other applicable requirements; and

"(3) model forms and instructions developed by the Secretary for use by State and local educational agencies, at their discretion, including, application forms, application review checklists, and instruments for monitoring programs under this title.

"(c) RESPONSE TO INQUIRIES.—The Secretary shall respond with written guidance not more than 90 days after any written request (return receipt requested) from a State or local educational agency regarding a policy, question, or interpretation under this title. In the case of a request from a local educational agency, such agency is required to address its request to the State educational agency first.

"SEC. 1603. STATE ADMINISTRATION.

"(a) RULEMAKING.—(1) Each State that receives funds under this title shall—

"(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title and provide any such pro-

posed rules, regulations, and policies to the Committee of Practitioners for their review and comment;

"(B) minimize such rules, regulations, and policies to which their local educational agencies and schools are subject; and

"(C) identify any such rule, regulation, or policy as a State-imposed requirement.

"(2) State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the State's standards.

"(b) COMMITTEE OF PRACTITIONERS.—(1) Each State educational agency shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

"(2) Each such committee shall include—
"(A) as a majority of its members, representatives from local educational agencies;

"(B) administrators;

"(C) teachers, including vocational educators;

"(D) parents;

"(E) members of local boards of education;

"(F) representatives of private school children; and

"(G) counselors.

"(3) The duties of the committee shall include a review, prior to publication, of any proposed or final State rule or regulation pursuant to this title. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation prior to issuance in final form.

"(c) PAYMENT FOR STATE ADMINISTRATION.—Each State may reserve for the proper and efficient performance of its duties under this title the greater of—

"(1) one percent of the funds received under sections 1002 (a) and (c) through (f); or

"(2) \$325,000, or \$50,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and Palau (until the Compact of Free Association takes effect).

AMENDMENTS EN BLOC OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, I offer amendments.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. KILDEE:

AMENDMENT TO H.R. 6, AS REPORTED OFFERED BY MR. ORTON OF UTAH

Page 201, line 6, strike "\$325,000" and insert "\$375,000".

AMENDMENT BY MR. GOODLING TO H.R. 6

Page 657, after line 15, add the following section:

"(1) Exception—States which do not, as of the date of enactment of this Act, have in place a system for collecting such data for all students in such State, are not required to meet the requirement of this section as it pertains to the educational programs and services available to limited English proficient students. In the event such State develops a system for collecting data on the educational programs and services available to all students in the State, then such State is required to comply with this requirement.

AMENDMENT BY MR. OWENS TO H.R. 6

Page 264, line 17, after "facilities," insert "adult and family education programs."

Page 267, line 15, after "Labor," insert "the National Institute for Literacy,"

Page 268, after line 12, add a new "(E)" (and redesignate succeeding paragraphs accordingly)

"(E) increased access to high quality adult and family education services through the use of technology for instruction and professional development;"

Page 269, line 20, delete "and" and insert "," and line 21, after "1993" insert "," and the National Literacy Act"

Page 270, line 3, after the comma insert "adult and family education,"

Page 272, line 20, after "students" insert "of all ages" and line 21, strike "local educational agencies" and insert in lieu thereof "educational settings"

Page 276, after line 8 insert "(iii) adult and family education programs;" (and redesignate succeeding paragraphs accordingly)

Page 277, line 17, delete the first "and" and line 18, after "efforts" insert "," and how it will contribute to creating a high quality system of lifelong learning"

Page 280, line 23, after "staff" insert "," and adult and family educators"

Page 282, line 7, insert a new "(2)" (and redesignate the following paragraphs accordingly)

"(2) would provide services to programs serving adults, especially parents, with low levels of literacy; and"

Page 287, line 2, after "agencies" insert "," and adult and family education programs"

Page 288, line 21, after "students" insert "of all ages"

AMENDMENT TO H.R. 6, AS REPORTED OFFERED BY MR. TRAFICANT OF OHIO

Page 762, after line 8, insert the following:
"SEC. 9508. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

"SEC. 9509. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

"SEC. 9510. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

AMENDMENT BY MR. OWENS TO H.R. 6

Page 762, after line 23, insert the following new part:

"PART G—CUSTODIAL SERVICE
SEC. 9701. COMPENSATION OF CUSTODIANS.

Notwithstanding any other provisions of law, a local educational agency which con-

tains five countries in their entirety and has a student population which exceeds 900,000 may not use any assistance under this Act to provide compensation or other financial benefits to personnel who provide janitorial or custodial services to and within schools."

AMENDMENT TO H.R. 6, AS REPORTED OFFERED BY MR. KILDEE

Page 752, strike line 2 and all that follows through line 12 of page 754 and insert the following:

"SEC. 9401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

"(a) GENERAL.—Except as provided in subsection (c), the Secretary may waive any requirement of this Act or any regulation under this Act for a State educational agency, local educational agency, Indian tribe, or school, or that—

"(1) receives funds under a program authorized by this Act; and

"(2) requests a waiver as prescribed in subsection (b).

"(b) REQUEST FOR WAIVER.—(1) A State educational agency, local educational agency, or Indian tribe which desires a waiver shall submit a request to the Secretary that—

"(A) identifies the Federal programs affected by such requested waiver;

"(B) describes which Federal requirements are to be waived and how the waiving of such requirements will—

"(i) increase the quality of instruction to students; or

"(ii) improve the academic performance of students;

"(C) if applicable, describes which similar State and local requirements will be waived and how the waiving of such requirements will assist the local educational agencies or Indian tribe and schools to achieve the objectives described in this paragraph;

"(D) describes specific, measurable educational improvement goals and expected outcomes for all affected students;

"(E) describes the methods to be used to measure progress in meeting such goals and outcomes; and

"(F) describes how schools will continue to provide assistance to the same populations served by programs for which waivers are requested.

"(2) Such requests under this section—

"(A) may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools.

"(C) comparability of services;

"(D) use of Federal funds to supplement, not supplant non-Federal funds;

"(E) equitable participation of private school students and teachers; and

"(F) parental participation and involvement;

"(2) the elements of a charter school described in section 3407(1); or

"(3) the prohibitions regarding—

"(A) state aid in section 9502; or

"(B) use of funds for religious worship or instruction in section 9507.

"(e) DURATION AND EXTENSION OF WAIVER.—(1) The duration of a waiver approved by the Secretary may be for a period not to exceed 3 years.

"(2) The Secretary may extend such period if the Secretary determines that the use of such waiver has increased the quality of instruction or the academic performance of students.

"(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if—

"(1) the Secretary determines that the use of a waiver has not increased the quality of

instruction or improved the academic performance of students; or

"(2) such waiver is no longer needed by the recipient to achieve the objectives of such waiver.

"(g) REPORTS.—

"(1) A local educational agency that receives a waiver under this section shall annually submit a report to the State educational agency that—

"(A) describes the uses of such waiver by such agency or by schools;

"(B) describes how schools continued to provide assistance to the same populations served by the programs for which waivers are requested; and

"(C) evaluates the progress of such agency and of schools in improving the quality of instruction on the academic performance of students.

"(2) A State educational agency that receives reports required by paragraph (1) shall annually submit a report to the Secretary that summarizes such reports.

"(3) An Indian tribe that receives a waiver under this section shall annually submit a report to the Secretary that—

"(A) describes the uses of such waiver by schools operated by such tribe; and

"(B) evaluates the progress of such schools in improving the quality of instruction or the academic performance of students.

"(3) The Secretary annually shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report—

"(A) summarizing the uses of waivers by State educational agencies, local educational agencies, Indian tribes, and schools; and

"(B) describing whether such waivers—

"(i) increased the quality of instruction to students; or

"(ii) improved the academic performance of students.

AMENDMENT BY MR. OWENS TO H.R. 6

Page 880, line 1, insert the following new subparagraph (and redesignate succeeding subparagraphs accordingly)—

"(F) violence against teachers and students, and other indices of school safety;"

AMENDMENT TO H.R. 6, AS REPORTED OFFERED BY MR. HOYER OF MARYLAND

Page 900, after line 23, insert the following (and redesignate any subsequent sections accordingly):

SEC. 502. STUDY OF THE EFFECTIVENESS AND IMPACT OF FEDERAL CATEGORICAL AID PROGRAMS.

(A) STUDY.—In addition to the national assessment conducted pursuant to section 1501 of the Elementary and Secondary Education Act of 1965, as amended by section 101 of this Act, the Secretary of Education shall conduct a comprehensive study of the effectiveness of other Federal categorical aid programs and the administrative impact of such programs on schools and local educational agencies.

(b) CONTENTS.—Such study shall—

(1) examine the effectiveness of elementary and secondary school categorical programs, including those authorized in this Act and elsewhere, in improving the educational achievement of participating students;

(2) encompass an in-depth evaluation of the administrative impact of the broad range of categorical programs on participating schools and local educational agencies;

(3) include a comprehensive review of the programs to determine their effect on—

(A) the improvement in educational achievement of participating students;

(B) school and local educational agencies' administrative responsibilities and structure, including the use of local and State resources, with particular attention to schools and agencies serving a high concentration of disadvantaged students; and

(C) overall school reform efforts, including efforts undertaken by States and encouraged by Federal laws, such as the Goals 2000: Educate America Act;

(4) evaluate the effect of Federal categorical programs at the elementary and secondary levels on the proliferation of State categorical education aid programs and regulations, and the impact on student achievement and school and local educational agency administrative responsibilities and structure; and

(5) examine the effect of waivers on categorical program requirements and other flexibility provisions in this Act, the School-to-Work Opportunities Act, and the Goals 2000: Educate America Act on improvement in educational achievement of participating students and on school and local educational agency administrative responsibilities, structure, and resources.

(c) PANEL.—The Secretary shall appoint an independent panel to review the plan for the study, to advise on the program of the study, and to comment, if it so wishes, on the final report.

(d) REPORT.—The Secretary shall submit the report not later than January 1, 1997, to the Committee on Education and Labor of the House of Representatives, to the Senate Committee on Labor and Human Resources, and to the Labor, Health and Human Services, and Education Subcommittees of the House and Senate Appropriations Committees.

AMENDMENT BY MR. WILLIAMS FOR HIMSELF AND MR. GOODLING

Page 738, line 8, strike section 9104 and insert the following:

"Sec. 9104. For purposes of any competitive program under this Act, a consortia of schools operated by the Bureau of Indian Affairs, a school operated under a contract or grant with the Bureau of Indian Affairs in consortia with another contract or grant school or tribal or community organization, or a Bureau of Indian Affairs school in consortia with an Institution of Higher Education, a contract or grant school and tribal or community organization shall be given the same consideration as a local education agency. Such consortia shall apply through the Bureau of Indian Affairs, which shall apply to the Department of Education on their behalf."

AMENDMENT TO H.R. 6, AS REPORTED, OFFERED BY MS. KAPTUR OF OHIO

Page 330, line 4, insert the following (and redesignate the subsequent subparagraphs accordingly):

"(L) programs designed to reduce excessive student mobility, retain students who move within a school district at the same school, educate parents about the effect of mobility on a child's education and encourage parents to participate in school activities;

Mr. KILDEE. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KILDEE. Mr. Chairman, I ask unanimous consent to modify the en bloc amendments.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. KILDEE to the amendments en bloc offered by Mr. KILDEE:

AMENDMENT TO H.R. 6, AS REPORTED, OFFERED BY MR. RICHARDSON OF NEW MEXICO

In section 101 of the bill, in subparagraph (A) of section 8009(b)(2) of the Elementary and Secondary Education Act of 1965 (as proposed to be added by such section 101), strike "For purposes" and insert "(i) For purposes".

In section 101 of the bill, in subparagraph (A) of section 8009(b)(2) of the Elementary and Secondary Education Act of 1965 (as proposed to be added by such section 101), add at the end the following:

"(ii) If a program of State aid uses a 'weighted-pupil', a 'classroom', 'instructional unit', or other designated unit of need in determining allocations of State aid in order to take account of special cost differentials, the computation of pre-pupil revenue or current expenditures may be made on the basis of any such unit of need."

AMENDMENT TO H.R. 6, AS REPORTED, OFFERED BY MR. QUILLLEN OF TENNESSEE

In section 101 of the bill, at the end of section 8003 of the Elementary and Secondary Education Act of 1965 (as proposed to be added by such section 101), insert the following new subsection:

"(e) SCHOOL DISTRICT CONTAINING FOREST SERVICE LAND AND SERVING CERTAIN COUNTIES.—Beginning with fiscal year 1995, a school district shall be deemed to meet the requirements of subsection (a)(1)(C) if such school district meets the following requirements:

"(1) The school district contains between 50,000 and 55,000 acres of land that has been acquired by the Forest Service of the Department of Agriculture between 1915 and 1990, as demonstrated by written evidence from the Forest Service satisfactory to the Secretary.

"(2) The school district serves a county chartered by State law in 1875."

AMENDMENT TO H.R. 6, AS REPORTED, OFFERED BY MS. LONG OF INDIANA

Page 271, after line 11, insert the following:

"(13) the development, demonstration and evaluation of a Buddy System Computer Education grant to each of three states having demonstrated ability or commitment to computer-based technology education to establish an education program for students in 6th through 8th grades in which computers are placed and linked in students' classrooms and homes."

Page 271, line 12, delete "13" and insert "14".

AMENDMENT TO H.R. 6, AS REPORTED, OFFERED BY MR. HOYER OF MARYLAND

Page 71, line 2, strike "that is deems appropriate" and insert ", which may include actions in compliance with state law to withhold or transfer funds and authority from schools that are failing to make adequate progress as defined in section 111(b)(2), as will assure adequate progress for all students".

AMENDMENT TO H.R. 6, AS REPORTED, OFFERED BY MR. KILDEE OF MICHIGAN AND MR. GOODLING OF PENNSYLVANIA

On page 112, after line 21, add the following, "(3) However, no State may receive less under this section for fiscal years 1995 and 1996 than it received the preceding year, or fiscal year 1993, whichever is greater, as a result of application of paragraph (2)."

AMENDMENT TO H.R. 6, AS REPORTED, OFFERED
BY MR. DOOLEY OF CALIFORNIA

On page 767, at the end of line 9, change the period to semicolon and add the following new line.

"(7) when applicable, strategies to ensure that the health and welfare needs from migratory families are addressed."

On page 184, at the end of line 24 add the following sentence.

"The Secretary shall report no later than December 31, 1997 to the House Committee on Education and Labor and the Senate Committee on Labor and Human Resources on how schoolwide programs are meeting the needs of children from migratory families."

AMENDMENT TO H.R. 6, AS REPORTED, OFFERED
BY MR. GILMAN OF NEW YORK

Page 193, after line 5, insert the following (and redesignate any subsequent paragraphs accordingly):

"(2) An application for a grant under subsection (b) may provide for the use of mentors who are high school or college students trained to provide tutoring to elementary and secondary students formerly enrolled in Head Start or Even Start programs."

AMENDMENT TO H.R. 6, AS REPORTED OFFERED
BY MR. KILDEE

Page 879, line 23, strike "education;" and insert "education, including the supply and demand for such teachers;"

Page 879, line 24, strike "environment;" and insert "environment, including the nature and incidence of violence affecting students, school personnel, and other individuals participating in school activities;"

Page 884, line 25, strike "influence;" and insert "influence; and".

Page 885, line 1, insert "and the National Assessment Governing Board" after "Commissioner".

Page 885, line 2, strike "Progress," and all that follows through line 12 and insert "Progress."

Page 896, strike lines 6 through line 9 and insert the following:

"(e) STUDENT PERFORMANCE LEVELS.—(1) The National Assessment Governing Board established under section 412, working with the Assistant Secretary, shall develop appropriate student performance levels for each age and grade in each subject area to be tested under the National Assessment."

Page 896, line 8, strike "goals" and insert "levels".

Page 896, line 12, strike "goals" and insert "levels".

Page 896, line 13, strike "Such goals" and insert "(A) Such levels".

Page 896, line 14, strike "(A)" and insert "(i)".

Page 896, line 18, strike "(B)" and insert "(ii)".

Page 896, line 20, strike "goals" and insert "levels".

Page 896, line 23, strike "(C)" and insert "(iii)".

Page 896, after line 23, insert the following:

"(B) In using such levels on a trial basis, the Commissioner and the Board shall may only issue reports on such levels separate and apart from the regular reports on the National Assessment and State assessments."

"(4) After determining that such levels are reasonable, valid and informative, the Commissioner may use such levels or other methods or indicators for reporting results of the National Assessment and State assessments."

Page 897, line 4, strike "goals" and insert "levels".

Redesignate section 412 as section 413.

Page 898, after line 5, insert the following:

"SEC. 412. NATIONAL ASSESSMENT GOVERNING BOARD

"(a) ESTABLISHMENT.—There is established the National Assessment Governing Board (the "Board") which shall formulate policy guidelines for the National Assessment, as provided in subsection (e).

"(b) MEMBERSHIP.—(1) The Board shall be appointed by the Secretary and shall be composed of—

"(A) 2 Governors, or former Governors, who shall not be members of the same political party;

"(B) 2 State legislators, who shall not be members of the same political party;

"(C) 2 chief State school officers;

"(D) 1 member of a State board of education;

"(E) 1 superintendent of a local educational agency;

"(F) 1 member of a local board of education;

"(G) 3 classroom teachers representing the grade levels at which the National Assessment is conducted;

"(H) 1 representative of business or industry;

"(I) 2 curriculum specialists;

"(J) 3 testing and measurement experts;

"(K) 1 nonpublic school administrator or policymaker;

"(L) 2 school principals, one of whom is an elementary school principal and the other of whom is a secondary principal; and

"(M) 4 additional members who are representatives of the general public, including parents."

"(2) The Assistant Secretary for Educational Research and Improvement shall serve as an ex officio and nonvoting member of the Board."

"(3) In making appointments under this subsection and filling vacancies under subsection (d), the Secretary shall ensure that the membership of the Board reflects regional, racial, gender, and cultural diversity and balance."

"(c) TERMS.—(1) Terms of service of members of the Board shall be staggered and may not exceed a period of 3 years, as determined by the Secretary."

"(2) Members of the Board may serve not more than two consecutive terms."

"(3) A members of the Board who changes status under subsection (b) during the term of the appointment of the member may continue to serve as a member until the expiration of such term."

"(d) VACANCIES.—The Secretary shall appoint new members to fill vacancies on the Board—

"(1) after soliciting recommendations from a wide variety of organizations, including those representing the types of individuals listed in subsection (b)(1); and

"(2) in a manner which maintains the composition, diversity and balance of the Board required under subsection (b)."

"(e) DUTIES.—(1) The Board, working with the Assistant Secretary, shall develop—

"(A) appropriate student performance levels as provided in section 411(e);

"(B) assessment objectives and test specifications through a national consensus approach which includes the active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the public."

"(C) guidelines for analysis plans and for reporting and disseminating National Assessment results; and

"(D) recommendations for actions needed to improve the form and use of the National Assessment."

"(2) The Board, working with the Commissioner, shall take steps to ensure that all

items selected for use in the National Assessment are free from racial, cultural, gender, or regional bias."

"(3) In carrying out the duties required by paragraph (1), the Board shall seek technical advice, as appropriate, from the Commissioner and the Advisory Council on Education Statistics."

"(4) Within 90 days following an evaluation of the student performance levels under section 411(f), the Board shall make a report to the Secretary of Education, the Committee on Education and Labor of the House of Representatives, and the Committee on Labor and Human Resources of the Senate describing the steps the Board is taking to respond to each of the recommendations contained in such evaluation."

"(f) PERSONNEL.—(1) The Secretary may appoint, at the request of the Board, such staff as will enable the Board to carry out its responsibilities under subsection (e)(1)."

"(2) Such appointments may include, for terms not to exceed 3 years and without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, not more than 6 technical employees who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates."

"(g) COORDINATION.—The Commissioner and the Board shall meet periodically to ensure coordination of their duties and activities relating to the National Assessment."

"(h) ADMINISTRATION.—(1) Sections 10, 11, and 12 of the Federal Advisory Committee Act are the only sections of such Act that shall apply with respect to the Board."

"(2)(A) No member of employee of the Board, in the course of the official duties of such member or employee, may engage in activities designed to directly or indirectly influence legislation which is or may be considered by the Congress, except in instances where a representative of the Board has been invited to provide testimony before a committee of the Congress."

"(B) Any member or employee of the Board who knowingly engages in the conduct prohibited by subparagraph (A) may be subject to either confinement for a period not to exceed 6 months or a fine not to exceed \$10,000, or both."

Page 898, line 7, strike "There" and insert "(1) There".

Page 898, line 8, strike "title" and insert "title (except section 412)".

Page 898, after line 10, insert the following:

"(2) There are authorized to be appropriated to carry out section 412 \$2,000,000 for each of the fiscal years 1995 and 1996."

AMENDMENT TO H.R. 6, AS REPORTED, OFFERED
BY MR. SKAGGS OF COLORADO

Page 430, line 12, after "mediation" insert "student pledges to renounce the use of violence, student nonviolence awareness days, student outreach efforts against violence, anti-crime youth councils (which work with school and community-based organizations to discuss and develop crime prevention strategies)".

Page 431, at the end of line 17, add the following sentence: "Local educational agencies may use funds obtained under this part to pay the costs of programs and activities complying with the requirements of this section that are carried out by student organizations."

On page 767, Line 25, strike "(1)." and insert

"(1); but shall not include the direct provision of any health or health-related services."

SUBSTITUTE AMENDMENT OFFERED, BY MS. VELÁZQUEZ OF NEW YORK TO THE AMENDMENT OFFERED BY MS. VELÁZQUEZ TO H.R. 6

Page 438, after line 21, insert the following:
"SEC. 4203. HATE CRIME PREVENTION.

"(a) GRANT AUTHORIZATION.—The Secretary of Education may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

"(b) USE OF FUNDS.—

"(1) PROGRAM DEVELOPMENT.—Grants under this section may be used to improve elementary and secondary educational efforts, including—

"(A) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;

"(B) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;

"(C) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and

"(D) professional training and development for teachers and administrators on the causes, effects and resolutions of hate crimes or hate-based conflicts.

"(2) IN GENERAL.—In order to be eligible to receive a grant under this section for any fiscal year, a local educational agency or a local educational agency in conjunction with a community-based organization shall submit an application to the Secretary in such form and containing such information as the office may reasonably require.

"(3) REQUIREMENTS.—Each application under subsection (a) shall include—

"(A) a request for funds for the purposes described in this section;

"(B) a description of the schools and communities to be served by the grants; and

"(C) assurances that Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds.

"(4) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

"(A) a description of the hate crime or conflict problems within the schools or the community targeted for assistance;

"(B) a description of the program to be developed or augmented by these Federal and matching funds;

"(C) assurances that such program or activity shall be administered by or under the supervision of the applicant;

"(D) proper and efficient administration of such program; and

"(E) fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

"(c) ALLOCATION OF FUNDS.—From the funds authorized under this part, the Secretary of Education may carry out programs under this section.

"(d) AWARD OF GRANTS.—

"(1) SELECTION OF RECIPIENTS.—The Secretary shall consider the incidence of crimes and conflicts motivated by bias in the targeted schools and communities in awarding grants under this section.

"(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

"(3) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent prac-

ticable, to make available information regarding successful hate crime prevention programs, including programs established or expanded with grants under this section.

"(e) REPORTS.—The Secretary shall submit to the Congress a report every 2 years which shall contain a detailed statement regarding grants and awards, activities of grant recipients and an evaluation of programs established under this section.

"(f) DEFINITIONS.—For the purposes of this section—

"(1) the term 'hate crime' means a crime as defined by the Hate Crime Statistics Act of 1990;

"(2) the term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary and secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary and secondary schools and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school;

"(3) the term 'community-based organization' means a private nonprofit organization which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community.

On page 330, line 9, insert a new paragraph "2" and redesignate the following paragraphs accordingly.

"(b)(2) funds may also be used to establish a National Center for Second Language Development.

"(b) COMPOSITION.—The Center may include representation from—

"(1) a principle federal language training institution that has expertise in translation and interpretation with responsibility for foreign language instruction of military, foreign service officers and other federal personnel; and

"(2) other public, government and private entities with expertise in the education and training of second language curricula, as determined necessary by the Secretary.

"(c) MISSION.—The Center may—

"(1) assess the economic and social benefits of second language capabilities for the population of the United States;

"(2) make recommendations to the Secretary of the most appropriate means of increasing widespread second language capabilities in the United States; and

"(3) effectuate a greater second language capability within the United States through activities that include: developing and implementing model programs for children, college students and adults; conducting research on effective ways to teach second languages; developing teacher training programs; and, developing teaching materials.

AMENDMENT TO H.R. 6 OFFERED BY MR. SMITH OF MICHIGAN

Page 763, line 3, insert new section:
 Section 9602—

"It is the sense of Congress that States, local educational agencies, and schools should encourage and support parents and families in teaching children certain ethical principles. Such principles may include trustworthiness, respect, responsibility, fairness, caring and citizenship."

Mr. KILDEE. Mr. Chairman, I ask unanimous consent that the modifica-

tion to amendments be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the original request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. Without objection, the modifications are agreed to.

There was no objection.

Mr. KILDEE. Mr. Chairman, I offer these amendments on behalf of myself and the gentleman from Pennsylvania [Mr. GOODLING].

Mr. Chairman, this contains a number of amendments to H.R. 6 proposed by Members on both sides of the aisle which the gentleman from Pennsylvania [Mr. GOODLING] and I have examined and agreed to. They include amendments proposed by the gentleman from Maryland [Mr. HOYER], the gentleman from New York [Mr. OWENS], the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from Ohio [Mr. TRAFICANT], the gentlewoman from Indiana [Ms. LONG], the gentlewoman from Ohio [Ms. KAPTUR], myself, and others.

Mr. Chairman, I urge the adoption of the amendments en bloc, as modified.

Mr. WILLIAMS. Mr. Chairman, I rise in support of the en bloc amendment offered by Mr. KILDEE, and to express my appreciation to him for including in that amendment a provision offered by Mr. GOODLING and myself dealing with Indian schools.

The provision that my colleague Mr. GOODLING and I drafted has one basic aim—to make the schools for Indian children funded by the Bureau of Indian Affairs eligible to apply for competitive grants under this act in the same way that local educational agencies apply. The provision would apply to all types of schools funded by the BIA, whether they be operated directly by the BIA or by the tribes themselves under grants or contracts from the BIA.

I believe it is essential that we assure that all schools in the BIA system are equally eligible to apply for competitive grant programs under this act. For too long, the BIA system schools have fallen through the cracks of many Federal grant programs because they are not considered to be local educational agencies, the basic eligibility requirement for nearly all Federal education program funding. The provision added to the en bloc amendment today is a step toward correcting this oversight. It is my intention that all schools in the BIA system have the opportunity to apply for competitive grants just like their counterparts in the public school systems can do.

Our provision allows consortia of schools in the BIA system to submit applications for competitive grants. It allows these schools to combine with other tribal organizations—such as a tribal department of education—or community organizations or even colleges and universities to comprise the consortium that could apply for these competitive grants.

The provision requires that applications from consortia that include BIA-operated or tribally

operated schools be submitted to the Bureau of Indian Affairs, which will then submit the application to the Department of Education. I want to make it clear that the BIA's role in this is purely a ministerial one; the BIA submits the application once it receives it. It does not approve or disapprove an application, or select between applications filed by various consortia or Indian schools. The BIA is simply a conduit to facilitate the submission of all applications to the Education Department in a timely fashion.

Mr. Chairman, this provision that Mr. GOODLING and I worked on is an affirmative step toward assuring that Federal programs we design to help improve educational programs and delivery systems will also reach the children in the small, yet significant, school system the Federal Government runs for Indian children. I thank my colleague Mr. GOODLING for working on this provision with me, and I thank Chairman KILDEE for including this provision in his en bloc amendment.

Mr. GOODLING. Mr. Chairman, I rise in support of the amendments en bloc, as modified.

Mr. Chairman, I would indicate my pleasure in working this out with the majority, and also indicate that the waiver provision in this amendment is very, very important. I want to take this time, rather than to talk about the en bloc amendments, to merely say what I had said at the beginning when we started this last week.

I would ask the Members to keep in mind that after this got through the committee, the subcommittee, and the full committee, we had added 9 new programs, and we had put back in about 9 or 10 more old programs that were taken out, and we had a total of 23 new reporting requirements. I am saying this just so both sides of the aisle, before we start this amendment process, understand how far we have gone and how confused we have made this issue.

Mr. Chairman, I would hope that they would resist the temptation to get up and add a lot more, because every time we add an authorization, somebody is going to get very upset about the legislation.

Mr. Chairman, I also want to say to both sides of the aisle, but particularly to my side, I cannot stand up here and rail against the majority every time they are micromanaging and every time they are doing unfunded mandates, and then turn around and say when my side gets up and says, "We should do these unfunded mandates, and we should micromanage State and local government," that it is all right. It is wrong on both sides.

I would hope my side of the aisle would be very reluctant to get up and try to micromanage. My side of the aisle is supposed to be operating on the theory that State and local governments have the responsibilities that some people are trying to take from them, so I do not want to get up and have to say that my side is right when

they micromanage, or my side is right when they offer unfunded mandates. They are wrong, just as the other side is wrong. I just want to make that clear before we get started on these amendments.

Mr. Chairman, I rise in support of the en bloc amendment offered by Mr. Kildee.

In particular, I am pleased that this en bloc amendment includes a bipartisan compromise to the waiver provisions contained in H.R. 6. This amendment adds additional accountability provisions to ensure that funds are not misused as a result of the waiver provisions. In addition, it allows schools, local educational agencies, and States to request waivers for all programs authorized under this act; in my view, this is the singlemost important part of this compromise.

This amendment is based upon provisions of H.R. 1452, a bill which I authored to provide schools with additional flexibility. As we focus the elementary and secondary education programs on assisting schools to undertake the broad reforms necessary to meet the National Education Goals, they will need the flexibility offered through this amendment to develop innovative programs to increase learning and raise the achievement of all students.

For many years, I have been telling my colleagues that we need to trust local educators to do what is best for students. This amendment is an indication that we have confidence in teachers, administrators, and others to do what is necessary to raise student achievement based on their knowledge of the needs of their students.

The second provision I would like to address is an amendment to exempt States which do not currently collect data on the educational programs and services available to all children from collecting such data on a State's language minority and limited English-proficient students.

Mr. Chairman, a growing number of schools are faced with meeting the educational needs of limited English-speaking students. Those schools which do not receive funds under the title VII competitive grant program will more than likely turn to their State to assist them in their effort.

We need to ensure that States are in a position to assist local schools. Without this amendment, some States will not be able to receive their State dollars under this title, which will adversely impact their ability to serve this population of students.

I appreciate the willingness of my colleagues to accept this amendment and am hopeful it will result in better services to schools serving limited English-proficient students.

I would also like to express my support for a provision in the en bloc which allows BIA-operated schools and contract schools to compete for competitive grant programs.

Mr. Chairman, I urge my colleagues to accept these en bloc amendments. These amendments are noncontroversial and deserve our support.

Mr. GILMAN. Will the gentleman yield?

Mr. GOODLING. I am happy to yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today to thank the distinguished subcommittee chairman and the gentleman from Michigan, Mr. KILDEE, and the ranking Republican, the gentleman from Pennsylvania, Mr. GOODLING, for including my mentoring amendment in his en bloc amendment to H.R. 6, Improving America's Schools Act of 1994. Additionally, I would like to commend the committee for all of their diligent work in helping to improve our Nation's schools.

My amendment allows the use of mentors who are high school or college students trained to provide tutoring to elementary and secondary students formerly enrolled in Head Start or Even Start programs.

A number of studies indicate that the benefits accruing to Head Start children tend to dissipate if there is no continued reinforcement in their early elementary school years.

My amendment would go along with the committee's intentions to establish projects to assist Head Start, Even Start, or similar preschool children in making a successful transition from preschool through the early elementary grades. A mentoring program would be a good way to help the Head Start and Even Start children achieve challenging academic standards, as well as helping them develop socially.

We all know that parents are the central source of emotional, financial, and social support for their children. Unfortunately, many children have no such resources, especially those living in inner cities. These children live in families that are under tremendous pressure because of poverty, divorce, teen pregnancy, drug abuse, violence, or stress. As a result, the children in greatest need of help from outside the family are often the least likely to get it.

Neighborhood schools have tried to help such children, but many are already overburdened. In many cases, mentor programs are the best means for bringing into the life of a child a person who can represent the concern and support of the community. The one-on-one relationship with a mentor can help a child with many problems that affect life at home and at school, such as: alienation, loneliness, low self-esteem, poor work habits, and lack of basic skills.

The complexity of today's society demands that the responsibility for the well-being of our children extend beyond the home and school. Our children are a national responsibility. Congress has established programs to help every child have a healthy start. But we must not forget these children once they enter the schools.

Mr. Chairman, my amendment will allow schools to apply for a grant that can be used to establish a mentor program to help the Head Start and Even Start children make that hard transi-

tion to elementary school. This amendment does not require additional authorization of funds over and above the committee's recommendations.

Moreover, by establishing a mentoring program for our Head Start and Even Start children, we will be offering to a child friendship, guidance, and a positive perspective on life. Hopefully, as this program develops over a period of time, former Head Start and Even Start children will become the next generation of mentors.

Accordingly, I urge my colleagues to support my amendment.

□ 1510

Mr. HOYER. Mr. Chairman, I move to strike the last word.

First, Mr. Chairman, I want to thank the committee for accepting my amendment on corrective action and including it in the chairman's en bloc amendment. I want particularly to thank Chairmen FORD and KILDEE and the committee's ranking member, BILL GOODLING for all their help on this.

My amendment to title 1 is simple and straightforward, enhancing accountability for performance. It adds "actions to withhold or transfer funds and authority from schools that are failing to make adequate progress" to the possible corrective steps a State could take in the very worst cases. By making it explicit that States have this option, my amendment establishes a bottom line for the \$7 billion we will spend on title 1: funds should be contingent on adequate progress toward high standards. I do not think any taxpayer in this country would expect us to support anything less.

I would like briefly to explain the accountability framework for title 1 set up in H.R. 6, so my colleagues can understand the context into which this amendment fits. Some have tried to portray the corrective action portion of title 1 as this draconian, punitive system that limits local control. Nothing could be further from the truth.

States, with input from local education agencies and schools, develop a definition of what constitutes adequate yearly progress toward enabling title 1 children to meet clearly defined objectives. Corrective action is only triggered when schools fail to make adequate progress for two consecutive years. These schools are then targeted for improvement. They would have to go back to their title 1 school work plan and specify how they're going to do better for the students they serve. School districts would be required to work with these poor performing schools to get them up to par over at least a 3-year period.

This help must include providing technical assistance, which can be performed by the district itself or by a variety of organizations with experience in helping schools improve achievement.

If the school district requests it, the State can help in this effort. But if the State determines that a local education agency is not doing its job to help a failing school, my amendment makes it clear that one of the approaches it can take—consistent with State law—is to withhold title 1 funds from the folks who have not done the job for the students in a school and redirect them to an entity that will. For example, a State could contract with a higher education institution to provide title 1 services in a school that is failing to make adequate progress. This approach could provide instruction to the children who need it desperately, while making it clear that the taxpayers demand performance for their investment.

Mr. Chairman, last year during an appropriations subcommittee hearing on the Education Department budget, we heard the shocking fact that despite a broad consensus that the chapter 1 program is not producing results for disadvantaged students not a single dollar has ever been denied a grantee for poor performance. We have spent over \$80 billion on compensatory education for the disadvantaged since the late 1960's and not once has the Secretary used his authority—which, by the way, H.R. 6 does not affect—to deny funds for poor achievement. Grantees only get in trouble when audits turn up money going where it was not supposed to.

But with H.R. 6, we enter a new era. This legislation increases State, local, and school flexibility, but in return demands real accountability for school improvement. My amendment reinforces this new framework by spelling out Congress' intention that the taxpayers will only invest in programs that work. We are willing to be realistic about how much time it takes to turn our education system around; given that the future of our children is at stake, maybe we are more patient than we should be. But if 3 years of corrective action have not yielded adequate progress, permitting States to take "actions to withhold or transfer funds and authority" from failing schools is a moderate measure, to say the least, and thank the committee again for its support.

Mr. SANDERS. Mr. Chairman, I want to thank the chairman for helping to reach an agreement on this en bloc amendment. I also want to thank the chairman for his commitment to quality education programs in all our States.

Mr. Chairman, I stand in strong support for this small State amendment to H.R. 6 and thank the chairman and his staff for working with us to reach a successful compromise.

Mr. Chairman, as you know, the State of Vermont is subject to a \$2 million cut in funds this year for its Chapter 1 Program because of existing law, and there is nothing we can do today to fix this. That's a 15-percent cut in our funds, and is a terrible blow to education in

our State. This catastrophic cutback in Vermont's funding will threaten the stability of our program and certainly make it very difficult for Vermont to carry out the intent of this legislation. Confronting this painful cut, I have joined with Mr. CASTLE and Mr. SWETT and worked closely with your staff to offer a modest amendment, which will restore the \$2 million in funds in the following school year and prevent an additional cut of \$800,000. Our amendment will help Vermont and other small States who have lost funding this year by restoring those funds, preventing further cuts and making it possible for small States to continue to operate their Title I Programs in the future.

Mr. CASTLE, Mr. SWETT, and I have worked together to achieve equity in funding for the smallest States in this country. While most States in this country receive far more than one-quarter of 1 percent under title 1 of this bill, five States will not receive that amount.

Delaware, Vermont, New Hampshire, Alaska and Wyoming will not receive one-quarter of 1 percent of this bill. One-quarter of 1 percent is a minimum standard for small States, and it makes no sense to me that we cannot have that same standard in H.R. 6. The Job Training Partnership Act has a small State minimum of one-quarter of 1 percent, the Older Americans Act has one-half of 1 percent for small States, and recently the Community Service Block Grant was amended to increase the small State minimum from one-quarter of 1 percent to one-half of 1 percent.

Mr. Chairman, the smallest States thank you for helping us to hold our States harmless with the changes in the formula in this bill and allow us to maintain a small State minimum. This minimum will enable us to carry out the intent of this bill, especially with regard to the Compensatory Education Programs [title I] for low-achieving youth. The amendment included in the en bloc amendments will not have a noticeable effect on any other States, approximately .11 percent of Chapter 1 funds, or \$5.8 million out of \$7 billion dollar program. This is not a greedy amendment, our amendment will not lift these small States to the one-quarter of 1 percent threshold. This modest amendment is trying to ensure the survival of small State programs. Our amendment will give these small States the security and support to continue their operation.

Thank you again for your support for the small States and for working with us on a compromise to helping States to operate the Chapter 1 Programs in their States.

Ms. VELÁZQUEZ. Mr. Chairman, hate crimes have become an all too common occurrence in our communities. From antisemitic attacks to race inspired murders, these crimes threaten not only our safety, but also the richness of our diversity and who we are as a people. More importantly, we know that hate crimes, which stem from bigotry and ignorance, can be stopped through proper education and awareness. The Velázquez amendment establishes a hate crimes prevention program that would be incorporated into title IV, The Safe and Drug-Free Schools and Communities Act of H.R. 6. This amendment would emphasize tolerance and acceptance through education, and would deter our children from falling into the dark pit of elitist thought and bigotry.

In 1991, there were 4,755 hate-related crimes reported under the Hate Crimes Statistics Act. Racial bias was the motivation behind 60 percent of these crimes, followed by religious bias crimes at 20 percent, and ethnic and sexually oriented crimes at 10 percent. This data was based on information submitted by only 32 States, and falls far short from predictions by several racial, ethnic and religious organizations, who claim that the numbers of hate crimes exceed the tens of thousands annually.

These figures are staggering when you consider that most of these crimes were committed because of the color of someone's skin, or because of someone's religion or nationality. In light of this sad, but true fact, I have introduced an amendment that would create a discretionary grant program for the education and prevention of hate-based crimes.

Administered by the Department of Education, the program would award grants to local educational agencies and community based organizations, for activities that would prevent and reduce hate crimes and conflicts prompted by hatred. Most importantly, my amendment uses no new funds. The revenue needed to fund this program would be administered under the discretion of the Secretary of Education, through title IV of H.R. 6. There are already several public and private ventures at the State and local level that would benefit greatly from this amendment.

We must take steps to ensure that America's future will not be plagued by ignorance and hatred. Under the shadow of the latest events that have shocked and enraged our society. Yesterday's shootings of four Hasidic Jewish students on the Brooklyn Bridge, the Rodney King beating that led to the Los Angeles riots, and the senseless beating of a 13-year-old Latino youth who was then spray-painted white by three caucasian youths in New York City. We can not afford to let our children grow up amidst this unjustifiable prejudice and intolerance. It already consumes too much of their lives.

We must stop the vicious and senseless trend of hate-based crimes from becoming an acceptable practice in the minds of our children. We must offer them the education needed to promote acceptance and tolerance.

I ask all of you to send the future of America a message of hope and understanding. In the unforgettable words of Maya Angelou, "We are more alike, my friends, than we are unlike." Support the Velázquez amendment.

Mr. SKAGGS. Mr. Chairman, I am pleased to offer an amendment to H.R. 6, the Improving America's Schools Act, that I believe will send a strong message about the importance of encouraging our young people to refrain from using violence to settle their problems. I'd like to thank Chairman KILDEE and Representative GOODLING for including it in this en bloc amendment. My amendment will merely clarify what I believe is already the bill's intent, but I think that it is important to make this point clear.

My amendment is to title IV, concerning Safe and Drug-Free Schools and Communities, of the Elementary and Secondary Education Act and has two parts. The first part provides authority for additional kinds of programs that safe and drug-free schools grants

can be used for; the second part clarifies that grants provided under the act can be used to fund the costs of violence and drug prevention programs carried out by student organizations.

I was moved to offer this amendment by an important initiative taken by students at Ranum High School in Denver, CO, which is in the district I represent. These students, on their own, began an anti-violence program that included a nonviolence pledge taken by the vast majority of the students and outreach activities designed to let younger students know how important it is to settle disputes peacefully. Ranum's principal, Dick Werpy, told me how impressed he was when the students came to him. They didn't ask him to do the work to set up a nonviolence program, but told him their own ideas for a program to curb violence. They wanted to do it, and they have. The sense of empowerment and responsibility this has brought to the Ranum campus has proven to be a positive force for change.

I want to help the kind of program begun by these students spread to other schools, and grow in scope. If that is to happen, local education agencies must have the option of funding these activities where appropriate. My amendment simply clarifies that H.R. 6 permits such funding.

The students at Ranum have dedicated a good deal of their time to this project, including attending a crime town meeting that I held in January. I believe that the dedication they have shown is admirable, and that their efforts are the kind that we should encourage. The amendment that I offer would do just that.

Violent incidents in our schools and among our youth are growing, both in numbers and seriousness. We need to do what we can to bring down the level of violence before it brings down too many more young lives. It's obvious that edicts from Congress or State legislatures are of limited impact. What's essential is to encourage the young people themselves involved in stopping the violence that affects them so much. Most of these young people care deeply about themselves, their fellow students, and their communities. They've had enough of the violence and want to do something about it. We need to support their efforts to create a framework for meaningful action on their own in every way possible.

I urge all of my colleagues to support the youth in our communities who want to make a difference, who want to make our streets safer. This amendment will help demonstrate that support.

Mr. CASTLE. Mr. Chairman, I rise in support of the chairman's second en bloc amendment. I would like to thank Chairman FORD, Chairman KILDEE, and the ranking member of the Education and Labor Committee, my friend BILL GOODLING, for their assistance on two amendments that I had planned to offer. The first amendment, developed with Mr. SANDERS of Vermont, and Mr. SWETT of New Hampshire, sought to protect small States from a dramatic loss in title I funds under the new formula. The second amendment, sponsored by Congressman ROEMER and myself intended to preserve the National Assessment Governing Board [NAGB]. I am pleased that our differences have been resolved to the point that we are able to include these provisions as part of the chairman's second en bloc amendment.

As we all know, especially my fellow members of the Committee on Education and Labor, there has been a great deal of debate over the Chapter 1 funding formula. This issue is of the utmost importance to all Members—and it should be. Chapter 1 is an effective program. It provides the resources to our schools to implement substantive, quality programs for our poor and disadvantaged children. Ask any parent, teacher, or administrator associated with this program and you will hear how important it truly is.

Under the Chapter 1 funding formula, the smallest small States are subject to a minimum cap. For this year, the small States that are subject to this cap are Vermont, North Dakota, Alaska, Wyoming, New Hampshire, and Delaware. The Castle-Sanders-Swett amendment I had originally planned to offer simply would have lifted a provision which keeps small States from receiving more than 150 percent of the national average grant per pupil, and would allow them to receive one-quarter of 1 percent of appropriated title I funds.

This small State minimum is a cap that I understand was designed to help small States. Unfortunately, in the case of our States, it does not help but hurt. For example, in 1 year's time, Delaware lost 18 percent of its Chapter 1 funding. According to our State education agency, had I not offered an amendment and had an agreement not been reached, Delaware would have lost an additional 9 percent, totaling a 26-percent loss over the last 2 years. A loss of this magnitude would be devastating for our educationally and economically disadvantaged students and our entire Chapter 1 Program.

If a similar trend were to continue, we would repeatedly suffer such drastic losses. Such a loss, like \$1.8 million for Delaware in fiscal year 1994, may not seem like a large amount to other States. But to small States like Delaware, that only receive a total of \$12.8 million in Chapter 1 funding, each and every dollar is crucial.

Mr. SANDERS, Mr. SWETT, and I realize that this issue is a sensitive one and, consequently, were willing to reach middle ground with other Members of the U.S. House of Representatives. The compromise that ensued would hold the small States "harmless" at their fiscal year 1993 level—or current level, whichever is greater—for 2 years.

Putting this amendment into perspective, the \$12.8 million that Delaware receives in total Chapter One funds is twice the number of what this amendment would reallocate to the six small States to help them continue their State Chapter One Programs. Specifically, the compromise would reallocate .11 percent—approximately \$5.8 million of a \$7 billion program—to these six small States.

Rarely in this body does anyone ask for a minuscule reallocation that will greatly benefit some without taking away greatly from others. The compromise amendment does exactly that. Again, Mr. Chairman, I am pleased that the chairmen have agreed to our modest adjustment request. This fix will give small States the resources they need to effectively run the program and get the funds to the kids who need them. If we continually lose as much as 18 percent each year, imagine the devastating

effect this could have on our poor and disadvantaged children.

It is important to remember that this change in the funding formula is not solely for the six currently defined small States. Small State qualifiers are determined by several criteria, most notably the number of poor and disadvantaged children. You may not qualify as a small State this year, but under H.R. 6, census updates will occur every 2 years as opposed to 10; therefore, your State could be categorized as a small State next year or the following year by definition under this formula. Furthermore, because this piece of legislation authorizes the Chapter 1 Program for the next 6 years, more than six States could have experienced a similar hardship in the near future had this amendment not been agreed to.

I would like to make one last point. We understand that the object of this program is to give funds for the education of our poor and disadvantaged children. We understand that we may have fewer disadvantaged and poor kids in our States, but due to the sheer fact alone that we have fewer residents. Poor and disadvantaged children are exactly that, no matter where they live and what level of attention they need in order to achieve.

I again thank the chairmen and Mr. GOODLING for their attention to this important small State matter, and I look forward to ensuring that our small States maintain the necessary resources to continue beneficial Chapter 1 Programs when this bill goes to conference.

I am also pleased that Chairman KILDEE and Chairman FORD have agreed to a compromise with Congressman TIM ROEMER and me to preserve the National Assessment Governing Board. This agreement is supported by the Department of Education.

The National Assessment Governing Board was established in 1988 to set policy for the National Assessment of Education Progress, also known as the Nation's Report Card. NAGB is a bipartisan, independent board made up of Governors, State legislators, State and local education officials, teachers, and parents. The board plays a vital role in providing a voice for State and local input in the development of the levels and standards intended to measure our children's educational success.

As reported by the committee, H.R. 6 would have eliminated NAGB and shifted its responsibilities to the Commissioner of Education Statistics.

I know some of the chairman's concerns regarding NAGB centered around questions of its responsiveness to technical advice and evaluations of NAGB's decisions on the national achievement levels, as well as concern that these achievement levels have been too controversial.

The Department of Education, Congressman ROEMER, and I took the position that NAGB plays a vital role in setting achievement standards for America's students. We feel that any concerns about the Board's actions could be addressed without eliminating NAGB, which is strongly supported by the Nation's Governors and State and local education officials.

The compromise we have reached is a true compromise in that neither side is entirely

happy with it. From our point of view it is positive because it retains NAGB and continues its role in developing the appropriate national student performance levels. From the committee's point of view it requires NAGB to work more closely with the Assistant Secretary of Education and the Commissioner of Education Statistics.

I am pleased that the chairman agreed to provide an authorization of \$2 million for NAGB. While this is a reduction in its current level of funding, it is a significant improvement over the committee's original position.

There are a number of other issues that we were unable to reach agreement on, including the length of the reauthorization for NAGB. The administration had requested a 5-year authorization and the committee would only agree to a 2-year authorization. Congressman ROEMER and I support the full 5-year authorization to allow NAGB to continue its work. I would hope that the chairman will remain open to discussion on this question when H.R. 6 goes to conference with the Senate.

It is my goal to ensure that NAGB is able to continue its productive role in setting policy on the national education assessment with the strong input of State and local education officials.

I want to thank my colleague TIM ROEMER for his efforts on this issue, as well as Chairman FORD and Chairman KILDEE for their willingness to negotiate a compromise on many of our differences. I would also like to thank the committee staff, particularly Jeff McFarland, Jack Jennings, and Susan Wilhelm for their assistance in putting the language together. Congressman GOODLING and his staff were also extremely helpful during this process.

Ms. DELAURO. Mr. Chairman, I rise today in strong support of an amendment offered by my good friend and colleague, DAVID SKAGGS, which was accepted today as part of the en bloc amendments to H.R. 6, the Improving America's School Act. I want to thank my friend from Colorado for allowing me to add an important provision to his amendment and thank Mr. KILDEE and Mr. GOODLING for accepting our modification.

The Skaggs amendment gives students additional tools to increase their participation in the fight against drugs and crime. The amendment will allow student organizations to apply through local educational agencies for grants to fund antidrug and violence prevention efforts. Some of the innovative programs that will benefit from this amendment include: student nonviolence awareness days, student outreach programs, and, now, through the addition Mr. SKAGGS has generously allowed me, anticrime youth councils.

After talking to students in my district who felt left out of the debate on drugs and crime, I helped them form an anticrime youth council. The council has provided junior and high school students a unique forum for discussing their perceptions of crime and violence with community leaders. The council representatives are now generating their own creative solutions to address these issues, and the Skaggs amendment will assist them in translating their ideas into action.

I commend Mr. SKAGGS for his leadership on this issue and look forward to working with

him, and the other Members of the House, on additional youth crime prevention measures as we proceed to consideration of the crime bill.

Mr. RICHARDSON. Mr. Chairman, I rise in support of my amendment which clarifies that States which have established equalized funding formulas are not restricted from using their formulas to allocate the State's impact aid funding.

My State of New Mexico has pioneered the Nation's oldest and most equal method of dispersing the State's educational dollars. Title 8 of H.R. 6 already establishes that States may use equalized funding formulas to allot impact aid when those formulas take into consideration that students in rural areas or students who have disabilities have special funding needs. My amendment simply specifies that State equalization formulas based on a "weighted student," a "classroom," or "instructional unit" are methods of taking into consideration students with special needs.

This amendment is identical to the issued impact aid regulations in effect since 1980. This amendment would simply add the technical clarifications to the bill that are already in regulations.

Lastly, I would like to thank the honorable chairman of the subcommittee, Mr. KILDEE, for allowing this technical clarification as an en bloc amendment to H.R. 6.

Mr. ROEMER. Mr. Chairman, I would like to thank Chairman KILDEE for his willingness to work on reauthorizing the National Assessment Governing Board [NAGB]. I truly appreciate his cooperation in working with me and Representative CASTLE in an effort to reach a compromise on this issue.

My main goal during the reauthorization of NAGB was to ensure that we would maintain State and local input on the National Assessment of Education Progress [NAEP]. The Board, which is comprised of State and local legislators, teachers, public and business representatives, as well as individuals with expertise in testing, is important if we, as Federal legislators, expect States and local education agencies to buy into the national assessment.

The NAGB sets policy for the national assessment, which for over 20 years has provided policymakers with one of the only continuing national measures of student achievement. Since 1990, the national assessment has provided the only State-by-State data on academic achievement and this information has been used to track progress toward reaching the national education goals.

The 24 members of NAGB engage in extensive consultation in order to achieve its mandate of deciding on content and performance standards of the National Assessment of Education Progress test.

I believe that it is important to maintain NAGB. While I support the provisions of the compromise amendment to include NAGB in this reauthorization, I continue to object to the 2-year authorization period. While I understand that the duties of NAGB may be shifted to the NESIC panel contained in the Goals 2000 legislation, I believe that we should allow some overlap time between these two panels until we determine what duties NESIC, which is contained in legislation not yet enacted, will actually undertake.

Again, I thank Chairman KILDEE for his assistance in resolving this matter which is im-

portant to me and to Indiana's Governor. I commend the chairman for all the hard work that he has expended in guiding this complex and extremely important legislation through the House.

Mr. ORTON. Mr. Chairman, I rise in support of the Kildee-Goodling en bloc amendment to H.R. 6, which contains my amendment. I appreciate the efforts of the subcommittee to ensure that minimum grant States, specifically my home State of Utah, receive the funding necessary to carry out the requirements contained in this bill.

My amendment will increase the State minimum administrative grant level from \$325,000 to \$375,000. Utah and 14 other States currently receive this minimum, which has not increased for the past 5 years.

During this same time period, the other 35 States all received substantial increases of over 17 percent. This is ridiculous. We cannot continue to ask more of the States without providing the means for them to carry out the requirements contained in Federal legislation.

We cannot simply neglect to consider the effects of our economy on the State. Activities that were possible 5 years ago simply cannot be funded now. The State of Utah Office of Education has had to decrease the number of employees, restrict travel, and reduce long distance phone use. I am told that if the State administrative level does not increase, travel and long distance phone calls will be eliminated all together.

How are we to expect the State to oversee 40 school districts, many of which are located hundreds of miles from Salt Lake City, without long distance phone calls or travel?

H.R. 6 requires States to provide intensive technical assistance to schools and districts that fall behind. It requires an intensive effort to create district and State plans that coincide. And it holds the State responsible for ensuring that all of the requirements of this bill are carried out. How can this take place without the personnel and funding necessary to visit each district?

Although I understand the efforts of the House to reduce spending wherever possible, we must provide a minimum grant that is sufficient to carry out the requirements of our legislation. For this reason, I urge you to support my amendment that is part of the en bloc amendment.

The CHAIRMAN pro tempore (Mr. DARDEN). The question is on the amendments en bloc, as modified, offered by the gentleman from Michigan [Mr. KILDEE].

The amendments en bloc, as modified, were agreed to.

AMENDMENT OFFERED BY Mr. GUNDERSON

Mr. GUNDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GUNDERSON: Page 82, strike lines 1 through 4.

Mr. GUNDERSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin.

There was no objection.

Mr. GUNDERSON. Mr. Chairman and Members, this is probably one of the more important amendments in the bill, because it really represents what this bill has become, not what I think it was intended to be all about.

Unfortunately, the gentleman from Pennsylvania [Mr. GOODLING] said, there are no less than 23 new reporting requirements already included in this legislation; the fact is that if you will look at the bill, you will find, beginning in section 111 and going through section 118, what the State and local plans must require. Literally, you will find 57 pages of legislative mandates that must be included. Those 57 pages of mandated requirements in State and Federal plans are going to transfer into how many untold pages of reporting requirements at the local level when the rules and the regulations are published.

The amendment that I am offering says we get a little bit carried away when we require schools to report down to the very last single percentile, and that is exactly the language that I am trying to delete from the bill. The language was included in the committee that requires that every school receiving chapter 1 funds must prove that at least 1 percent of their funds are being used for parental involvement programs.

I am all for parental involvement. That is not the problem. I am all for the Government perhaps even mandating parental involvement. That is not the problem. I have got real problems though when we say to a school, "You have got to prove to us that at least 1 percent of your money is being used for this particular program."

I have a school district, and I know many of my colleagues have many, many small school districts that are receiving and participating in the chapter 1 program. One of my schools receives \$36,000 a year. Do you know what that means? That means that school has to prove to the Federal Government that they are spending \$360 a year on parental involvement.

Folks, if we do not have any more confidence than that in local public education, we ought to say so and eliminate it. To ask schools to do those kinds of reporting requirements goes beyond any sense of what I would call ridiculous.

I would like to take some time, and it is going to take some time, but I would like to show you what a local LEA has to do today to participate in the chapter 1 program as we know it. One of our school districts was kind enough to make a copy of literally everything that they had to do. There are no less than, folks, 95 pages of data submitted by this small school district to comply with chapter 1 regulations today.

Let me share with you some of what those data are, because I think it is important that you understand. Obvi-

ously in the application, you have to show, first and foremost, how every dollar is projected to be spent from administration to instruction, from salaries to fringe benefits to noncapital objects, to purchased services, and so you have to show exactly how every dollar is going to be spent. Then you have to articulate what the purchased services are going to be, what the capital objects are that you are going to purchase with this money. Then you have to indicate in subject areas exactly where the impact of these dollars is going to be, in other words, how much is going to be allocated for every different kind of instruction from language arts to reading to integrated reading and language arts to math to prekindergarten to extended day kindergarten and so on the list goes. Then you have to show how many grades are going to be involved, how many of those students are going to be in the public schools, how many are going to be in the private schools, and how much you are going to allocate in each particular area. Then you have to indicate what your personnel are going to be, who they are going to be, what their title will be, exactly what percent of their full-time equivalency will be spent on this program. Then you have to indicate general information about the school district such as where it is, its basic administration, its coordinator for the chapter 1 program, et cetera.

On the next page, you have to indicate who the targeting data would suggest to be the targeted students. You have to indicate this for every school building within your local education agency, indicating the grades covered in that school, the enrollment, those that are going to be enrolled from private schools, those that are low income, and that type of data. Then you have to explain the private school participation. At that point in time, you begin a needs assessment and then you have to explain exactly how the procedural steps will be taken to describe which students most need this program. When that is completed, you will describe the procedural steps that will be taken to specifically select students within your local education agency. Then you will have to go on and describe the constructional component in each particular one of these categories that is going to be used from their goals, their desired outcomes, and the State's definition of substantial progress that is the goal in that particular area.

At that point, you have to go on and begin to describe the basic concept or the basic description of your particular school district, and each of the buildings within your school district that will be used in the activities, that will be used under that, at which point you begin to articulate how your evaluation plan will be carried out.

At that point, you have to design, under section 5, an instructional component design talking about what the LEA performance objectives are in each area and what definition of substantial progress will be used to calculate whether substantial progress was or was not made.

Then you begin an evaluation plan for the next few pages, literally describing in every area how you will be evaluating this particular plan with each kind of particular students that will be going on.

Now, I could carry this on to the end, and I would bore you to death. And, folks, that is only one part of the LEA application.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin [Mr. GUNDERSON] has expired.

(By unanimous consent, Mr. GUNDERSON was allowed to proceed for 5 additional minutes.)

Mr. GUNDERSON. Mr. Chairman, that took up only 30, one-third of the 95 pages that this school has to fill out.

The next thing they have to do is fill out five pages, which point out the private school targeting forms included within those local LEA funds, at which point they then have to explain exactly through three more pages what the needs assessment, the identification data will be that is used.

Then they have to articulate exactly which students in which grades in which subject matters are going to be used.

It took this school 16 pages to do that.

Then it had to give a needs assessment summary which took five particular pages to explain exactly what the recommendations of their needs assessment study were and why, at which point they had to provide supporting data. That is 14 pages of supporting data explaining their needs assessment in this school. And then they had to get into the evaluation program which took 15 more pages of data on evaluation at which point they had to get into four pages on program improvement.

I do not intend to make a mockery of this at all. I have taken this time because, folks, these are real people, for the most part these are real teachers who have a desire to serve real students in real need of special education assistance, and somehow or another we in Washington in this era of thinking that Washington knows best want to suggest through this bill that we can mandate all kinds of additional reporting requirements above and beyond those 95 pages that must be filled out by any LEA today to participate in this program.

Whether you have 100 students or 10,000 students in your particular school district, you have to fill out all of this paperwork.

So, please, my colleagues on both sides of the aisle, let us make sure our

limited chapter 1 dollars go not to filling out Federal forms but to really helping students in need of this special assistance.

□ 1520

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak in opposition to the amendment.

Mr. Chairman, the speech we have just heard was a very interesting analysis, useful; the problem is it is the wrong speech at the wrong time on the wrong amendment.

I would be happy to join the gentleman from Wisconsin [Mr. GUNDERSON] in simplifying the kind of reporting requirements that are necessary under this bill. That is not the issue here. But it certainly sounds as if we need to have some simplification.

I am in favor of that, but it has nothing to do with the requirement that 1 percent of the title I funds be spent on parent involvement activities. That is what the amendment is all about: parent involvement activities. It just says, "We require that 1 percent be spent." There is no requirement of a special report, there is no requirement that you prove it, we just require it, not less than 1 percent. You can spend more if you want to, you can make another little niche, another category on your financial report on your computer, and it will tell you what you spent for parent involvement activities.

In the case of one of the gentlemen's districts, it was either \$36,000 or \$360—maybe they spent \$360 on stamps to notify the parents to come to a meeting. One little press of a button will tell you that is what was spent. You do not have to have a special report, you do not have to have a special report. Of all the reports that are required, one thing is certain: There is always going to be a financial report. No matter how hard I work with the gentleman from Wisconsin to help simplify the reporting systems, there is always going to be a requirement that there be financial reporting.

So this is just another little request that you show us what you are spending on parent involvement activities. Why do we have to have this requirement? Because there are parents across the country who keep complaining year after year about not having the opportunity to participate as required by the law. Everybody pays lip service to parent involvement—that is, the concept; everybody supports it with rhetoric, that there should be more parent involvement. Everybody says you cannot do anything without the parents, that it is not the duty of government to teach values, it is the parents'. Everybody says the schools must work closely hand-in-hand with the parents. But when you begin to move and look at the details, it appears that most of the people involved in edu-

cation are afraid of parents. Parents are good people. I want the gentleman from Wisconsin to understand, parents are good people. People are vitally necessary to this process. Parents and teachers working together is very necessary, so if the teachers are afraid of this requirement, I want you to reassure them that this will not only allow us to help them do the job better but teachers complain to me about parents, that you cannot get the parents to cooperate; but here is a vehicle by which you bring parents together with the teachers and administrators to make some decisions.

The history of the title I, chapter 1 program—when it first started, it was title I—title I had a requirement that parents must sign off. Parents had policymaking power. If you did not have a parent sign off, you could not get the funds. They have that kind of power.

Later on, the Congress, as a result of administrators complaining, teachers complaining, they did not want parents interfering in the administrative process. It was all a power play, in my opinion. I do not think we should change that. I was not in Congress at the time.

But Congress retreated from support of the parents. Congress said parents should have an advisory role. So now they have an advisory role. It is required that you seek their advice. They cannot hold up submission of a chapter 1 or title I package, they cannot hold it up. Whatever the administrator and teacher decide to do, basically they can do it, but they must consult, they must allow the parents to come in, look at it, make comments on it.

This is a very fundamental, elementary, rudimentary basic process which is not being followed in numerous school districts. Parents complain that they do not have that opportunity. I asked the teachers and the principals, "Why didn't you give them the opportunity to comment?" All they can do is comment on the package. "Why didn't you give them an opportunity to comment?" The teachers and principals said, "We had a meeting, and they did not come." So, "When did you have a meeting?" "Well, 4:30 in the afternoon." So, automatically the parents could not come. "How did you notify the parents to come?" They said, "Well, we told the kids in the auditorium, told the kids to tell their parents to come to the meeting." "Why didn't you sent the parents a letter in the mail for this important meeting held once a year?"

The CHAIRMAN pro tempore. (Mr. DARDEN). The time of the gentleman from New York has expired.

(By unanimous consent, Mr. OWENS was allowed to proceed for 5 additional minutes.)

Mr. OWENS. The question is, "Why didn't you send a letter to the parents to come to this one important meeting per year in the mail?" "We didn't have

the postage," the principal says. "Why didn't you have the postage?"

You know, out of the chapter 1, title I funds, surely we can provide enough postage to notify the parents once a year that their all-important advisory committee meeting is taking place. Their perception is that the parents are not important, and there are numerous other situations where a little bit of attention, a little bit of money expended to encourage parents to participate would reap a great benefit.

The problem is, if you are not committed to it, you always find the excuse of not spending the money for it. But no school administrator and no superintendent in all the hearings that I have attended—quite a number—would admit that they were not spending at least 1 percent. The comments we always receive when I ask the question of a superintendent or a principal. "Would you object to a provision in the law which says you must spend no less than 1 percent on parent involvement activities," the answer invariably is, "Oh, we spend far more than that, we spend far more than that."

I said, "Would you object to having the requirement that you at least show how you spend the money?" The objection is always, "We don't want more redtape, we don't think it is necessary." I do not understand. There is a contradiction. If you are doing it already, what is the problem? The problem is that it is not being done, and the problem is it is felt parents are not enough to break it out and delineate what is being done so they will know. Many parents may perceive they are not being recognized properly, not being included, there is not sufficient opportunity for participation. They may perceive that, and one way for the superintendents, principals, and administrators to be able to quiet their own fears and answer their own questions is to have a way to break it out and show, "We spend so much on stamps, we spend so much on a coordinator of parent activities, full-time, part-time, quarter-time," whatever you want to say, "we spend so much on parent leaflets, practice booklets, whatever, to go to the parents; we produced the proposal summary and we sent it out to all the parents or maybe just the key leaders."

It is not a difficult thing to show how you have supported your parent involvement activities if you have parent involvement activities. The problem is people do not understand that parents are good people, parents are vital people, parents deserve more than just a good line and the rhetoric we put out about wanting to have parent involvement. You know, Education 2000, America 2000, there is a great emphasis on parent participation, citizen participation.

America 2000 commits—one part of the previous President's package that I

thought was great, President Bush proposed in America 2000 a community commitment where a whole community would be invited to join with the parents and school personnel, teachers, administrators, in working toward the improvement of education in the district. So, parents there were included in the central part.

The real problem behind the attempt to gut this amendment is a fear that parents are not really that important, not that significant, and local people would not appreciate an opportunity to encourage greater amounts of parent participation. I think that is an unfounded fear.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from New York [Mr. OWENS] articulated earlier that simply using the 1 percent for stamps would comply with the Federal Government.

Mr. OWENS. I did not get into that detail. I said it might be they spent \$360 on stamps to notify parents of various meetings. Yes, that is a possibility.

Mr. GUNDERSON. But think about it, if that satisfied this requirement, have we not reached the level of absurdity when we require that schools have to point out that they spent 1 percent of their money of \$360 on stamps and report that to the Federal Government? Is that not asking a little bit much of a local education agency?

Mr. OWENS. The gentleman chose to give the ridiculous—

Mr. GUNDERSON. I used the gentleman's example.

Mr. OWENS. Ridiculous example. The gentleman chose that particular small amount, and I told you how it could be done—

Mr. GUNDERSON. The gentleman is—

Mr. OWENS. Mr. Chairman, may I reclaim my time?

Mr. GUNDERSON. It is the gentleman's time.

□ 1530

Mr. OWENS. Nobody says how it should be done or, "That's all you should do."

We say, "You should spend a minimum of 1 percent."

They can argue that we have many other parent involvement activities that are not involved with expenditures of the Federal Government.

Mr. GOODLING. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. Chairman, my colleague is correct, they can use the money now in the program in order to do parenting programs or programs involving par-

ents. I would be very happy to indicate in an amendment such as this, such as the gentleman from New York has offered, that the large percentage of it must go for improving parent literacy and parenting skills. In all of the programs we are discovering that family literacy is the answer if we are really going to help the disadvantaged become less disadvantaged or not disadvantaged at all. So, if it went strictly for a large portion or directly to parenting skills and to improving literacy skills, then I would not have too much problem with it.

But what we are doing in this particular piece of legislation, Mr. Chairman, is saying that here is just one more reporting requirement. The gentleman from Wisconsin [Mr. GUNDERSON] is correct. Whenever we speak to teachers in chapter 1, whenever we speak to supervisors in chapter 1, their greatest concern is the amount of hours they spend doing the paperwork when they could be doing it either in teaching or in preparation for their teaching, and so this provision just creates an enormous paperwork requirement on LEA's because they will have to show to the Department satisfactorily that they are spending 1 percent of their title I funds on parental involvement.

Now I do not know what the requirement will be from that department in respect to these reporting requirements. I do not know how tough they will be and how many pages it will take to justify what they are doing. But it is another burden taking the teacher and the supervisor away from teaching young people.

I say, if you can get parents to be the first and foremost parent, that's the kind of parental involvement we really should be striving for. That's why Head Start hasn't worked the way we wanted it to work, and we have spent 20-some billion dollars on Head Start. That's why chapter I hasn't worked the way we thought it would work after spending \$80-some billion.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from New York.

Mr. OWENS. Will the gentleman accept the amendment if I work with him to limit? Say we are going to go together to the Department of Education and work with them to make sure the regulation limits any reporting requirements to two or three sentences or a paragraph.

Mr. GOODLING. Mr. Chairman, I am not quite sure what the gentleman means.

Mr. OWENS. The gentleman said he does not know what the Department of Education will require as a result of this new requirement in the law, what regulations they will come up with, and I ask the gentleman, "Would you go with me, and, if I pledge to go with

you to the Department of Education and, in addition to the language in the report which makes it clear this is no new reporting requirement, to make sure that they don't come up with anything more than a few sentences or a paragraph in additional reporting? Would you accept the amendment then?"

Mr. GOODLING. Mr. Chairman, I say to the gentleman, "Anything you can do to get more parental involvement, including parenting skills and improving literacy skills, I am a hundred percent behind," and I say to the gentleman, "If you can do that without reporting requirements, then I'm very happy to join you in doing that."

Mr. OWENS. I will join the gentleman.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, I appreciate that.

The thing I would like to simply point out, and I think this is important for the gentleman from New York [Mr. OWENS] and everyone else to understand, is we do not delete anything in the parental involvement section of the bill except that one section that says, "You have to prove that you have spent at least 1 percent." Every one of the other programmatic requirements is still there.

Now I say to my colleagues, "The problem you're going to face is that in order to comply you're going to have to articulate exactly every one of the sections, A, B, C, D, E and (2), to prove that you are doing those activities which would qualify for that 1 percent of, quote, unquote, parental involvement, and it's like I said earlier. We're not trying to eliminate parental involvement. We are just trying to eliminate a requirement down to the last single percentile of allocation of funds."

The CHAIRMAN pro tempore (Mr. DARDEN). The time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

(By unanimous consent, Mr. GOODLING was allowed to proceed for 2 additional minutes.)

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from New York.

Mr. OWENS. Mr. Chairman, I just wanted to point out the wording here on page 82:

Each local educational agency shall reserve not less than 1 percent of its allocation under this part for the purposes of carrying out this section, including family literacy and parenting skills.

There is no requirement for proving anything. The gentleman keeps using the word "prove" and "special reporting." It just says, "You shall reserve, you shall do it."

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Let me say in all due respect that that then is exactly how we get all these rules, regulations and paperwork, because if the gentleman thinks there is any department in the Federal Government that is not going to take that section and promulgate rules and establish forms that require every local education agency to prove that they have met exactly that 1 percent utilization of funds, then the gentleman just is not dealing with the real world, and that is exactly what these 95 pages of requirements are all about.

Mr. OWENS. We are streamlining government now. We are getting rid of all this.

Mr. GUNDERSON. I say to the gentleman, "You're increasing it; that's the problem."

Mr. OWENS. Not this administration.

Mr. KILDEE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin [Mr. GUNDERSON], not because of the person who is offering it because he has made many fine contributions to this bill and other education bills, but I rise to oppose it. The setaside established in the bill is low enough not to be burdensome on the local school districts, and, having taught for 10 years, I know that meaningful parental involvement is very important for good education.

In my Ninth District of Michigan, my second largest city, Pontiac, MI, has very good title I (chapter 1) program, and one of the reasons it is good is because of parental involvement. They have had that parental involvement from the beginning, and the school district encourages that parental involvement. Parents become more interested in the schooling of their children when they are involved in the schooling of their children. I always tried to encourage that, and I taught at the high school level. It was always strange that on PTA night the parents I needed to see never came. The parents I did not need to see always came. I always tried to encourage parental involvement.

Now I know the gentleman from Wisconsin [Mr. GUNDERSON] is sincerely concerned with paperwork, and I share that concern, but H.R. 6 substantially addresses that burden of paperwork. For example, the separate Federal testing which was required before now has been replaced by letting them use the State testing system. Today a school has to be 75 percent qualified to have a schoolwide program. We reduce that to 60 percent where they can have a schoolwide program. That in itself will reduce the paperwork. So, I want to make it clear that within H.R. 6 we have made substantial improvements in reducing the paperwork.

Second Mr. Chairman, I want to get clear that parental involvement is very

important in all phases of education and particularly in this title I.

I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words, and rise in support of the amendment offered by the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. Chairman, I support my colleague's proposal to eliminate the mandate on local education agencies to spend 1 percent of their Chapter I funds for parental involvement. I cannot justify forcing local educating agencies to narrow the parameters of their spending for Chapter I funding. The idea was to add flexibility in this bill, not confiscate it from the local school districts. We don't need micromanaging from Washington.

While parental involvement is of the utmost importance to a student's success, placing mandates on school districts is bureaucratic.

Throwing money at parental involvement may not be the best use of scarce Federal dollars for education. I don't think other options for encouraging parental involvement have been explored. We need to encourage and support parental involvement, not have a bureaucratic mandate. What kind of regulations will be developed to implement this mandate. As we reduce the size of the Federal Government, we are increasing the need for more bureaucrats.

Take for instance, rural districts, that receive \$100,000 or less for Chapter I funding. To be forced to spend \$1,000 of that on parental involvement may sacrifice curriculum materials like updated books or video resources.

Liberty County in Florida receives \$146,000 in Chapter I funding—1 percent of that is \$1,460. Is that enough to pay for a tutor for parents to learn to read? I know that it could buy a lot of books, even copies of the Ken Burns "The Civil War Series."

Also, Mr. Chairman, how is the Federal Government to document the use of funds for parental involvement?

How much is it going to cost to implement a policy requiring funds to be spent on parental involvement? When considering the answer to this question, keep in mind that we voted 2 weeks ago to downsize the Federal Government by 252,000 employees.

And, how does Liberty County in Florida measure volunteer services when the Secretary of Education asks the school how they spent \$1,460 on parental involvement?

I sat at a round table on Monday with the two superintendents of education in my district to review H.R. 6. One of the superintendents looked at this section of the bill and said, "The Federal Government is not the school board. We'd just like to see the Federal Government keep its fingers out of local concerns." Both superintendents

enumerated a number of parental involvement programs that don't cost money, and both spend far more than 1 percent on parental involvement. One more "i" to dot or "t" to cross just adds to the inordinate amount of paperwork schools already have to complete. Not everything in education has to cost money, Mr. Chairman.

I implore the Members to vote to eliminate this mandate. I don't want to start telling local school districts exactly how to spend every dime of their money.

Let us keep some flexibility in tact for local school districts. I know I trust them to make their own decisions on how to involve parents.

Don't misunderstand me, parents need to be involved in the education of their children. But a hamfisted Federal mandate is no substitute for good parenting.

□ 1540

The CHAIRMAN pro tempore (Mr. DARDEN). The question is on the amendment offered by the gentleman from Wisconsin [Mr. GUNDERSON].

The amendment was rejected.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the sponsor of the bill, Congressman DALE KILDEE, and the committee ranking member, BILL GOODLING for their consideration.

The original amendment that Congressman EMERSON and I introduced asked for a study and plan of how schools can assist families in reinforcing values. Specifically, it named and defined 10 ethical principles that should be considered. Namely:

Honesty; To be truthful, sincere, forthright, straightforward, frank and candid; to not cheat, steal, lie, deceive, or act deviously.

Integrity; To be principled, honorable, and upright; to not be two-faced or unscrupulous.

Promise-keeping; To be worthy of trust, keep promises, fulfill commitments, and abide by the spirit as well as the letter of an agreement.

Loyalty; To be faithful and loyal to family, friends, employees, clients, and country.

Fairness; To be fair and open-minded, willing to admit error, and, if appropriate, change positions and beliefs; to demonstrate a commitment to justice and the equal treatment of individuals.

Caring for others; To be caring, kind, and compassionate; to share; to be giving and of service to others; to help those in need and avoid harming others.

Respect for others; To demonstrate respect for other people's property, human dignity, and privacy; to be courteous, prompt, and decent; to not patronize, embarrass, or demean.

Responsible citizenship; To obey the laws and, if a law is unjust, protest it and try to change it but continue to obey.

Pursuit of excellence; To pursue excellence in all matters and in meeting personal responsibilities; to be diligent, reliable, industrious, and committed; to perform all tasks to the best of one's ability, develop and maintain a high degree of competence, and be well informed and well prepared; to not be

content with mediocrity; to not strive to 'win at any cost'.

Accountability; To be accountable and accept responsibility for decisions, for the foreseeable consequence of actions and inactions, and for setting an example for others.

This morning, Congressman TONY HALL of Ohio and I met with Michael Josephson and actor, Tom Selleck of the Character Counts Coalition. The coalition is a national partnership of organizations and individuals involved in the education, training, or care of youth, joined together in a collaborative effort to improve the character of America's young people based on six core ethical values of trustworthiness, respect, responsibility, fairness, caring, and citizenship. I have amended my motion to specifically identify these six core ethical values.

The reason that it is so important that we all get involved is to combat violence, dishonesty, and irresponsibility by strengthening the moral fiber of the next generation. The coalition will put the issue of character development on the forefront of the American agenda through a wide variety of grassroots activities built upon the simple but profound conviction that character counts. The coalition is built upon the common ground of consensus ethical values that form the foundation of a democratic society.

With the passage of my amendment I am hopeful that States, local school districts, and individual teachers will assist in this effort and be motivated to study and plan the best ways to support the community and parents in the positive development of a child's character and value system. The Josephson Institute of Ethics has helped to define these six core ethical values in terms of do's and don't's as follows:

SIX CORE ETHICAL VALUES

TRUSTWORTHINESS

Honesty—Do: tell the truth; be sincere. Don't: betray a trust, deceive, mislead, cheat, or steal; don't be devious or tricky.

Integrity—Do: stand up for your beliefs; be your best self; walk your talk; show commitment, courage, and self-discipline. Don't: do anything you think is wrong.

Promise-Keeping—Do: keep your word and honor your commitments; pay your debts and return what you borrow.

Loyalty—Do: stand by, support and protect your family, friends, and country. Don't: talk behind people's backs; spread rumors or engage in harmful gossip; don't do anything wrong to keep or win a friendship or gain approval; don't ask a friend to do something wrong.

RESPECT FOR OTHERS

Do: judge all people on their merits; be courteous and polite, tolerant, appreciative and accepting of individual differences; respect the right of individuals to make decisions about their own lives. Don't: abuse, demean, or mistreat anyone; don't use, manipulate, exploit or take advantage of others.

RESPONSIBILITY

Accountability—Do: think before you act; consider the consequences on all people affected; think for the long-term; be reliable;

be accountable; accept responsibility for the consequences of your choices; set a good example for those who look up to you. Don't: make excuses, blame others for your mistakes or take credit for others' achievements.

Excellence—Do: your best and keep trying; be diligent and industrious. Don't: quit or give up easily.

Self-Restraint—Do: exercise self-restraint and be disciplined.

FAIRNESS

Do: treat all people fairly; be open-minded; listen to others; try to understand what they are saying and feeling, make decisions which affect others only after appropriate considerations. Don't: take unfair advantage of other's mistakes or take more than your fair share.

CARING

Do: show you care about others through kindness, caring, sharing and compassion, live by the Golden Rule and help others. Don't: be selfish, mean, cruel or insensitive to other's feelings.

CITIZENSHIP

Do: play by the rules; obey laws; do your share; respect authority; stay informed; vote; protect your neighbors; pay your taxes; be charitable; help your community by volunteering service; protect the environment; conserve natural resources.

Mr. Chairman, the following are Members of the Character Counts Coalition as of February 14, 1994:

American Association of Colleges of Nursing.

American Association of Community Colleges.

American Association of Retired Persons.

American Association of School Administrators.

American Federation of Teachers.

American Red Cross.

American Youth Soccer Organization (AYSO).

Assoc. for College & University Religious Affairs.

Babe Ruth League.

Big Brothers/Big Sisters of America.

Black Coaches Association.

Boys & Girls Clubs of America.

Boys Town.

Child Welfare League of America.

Council of the Great City Schools.

Covenant House.

Crossroads of North Carolina.

Family Service of America.

Fayetteville State University (NC).

4-H.

Girls Incorporated.

Goodwill Industries of America.

The Heartwood Institute (PA).

Little League Baseball.

Minnesota Center for Corporate Responsibility.

National Association of Basketball Coaches.

National Association of Catholic School Teachers.

National Association of Secondary School Principals.

National Association of State Boards of Education.

National Association of Student Councils.

National Catholic Educational Association.

National Council of LaKaza.

National Federation for Catholic Youth Ministry.

National Urban League.

Quest International.

San Francisco Giants.

United Neighborhood Centers of America.
United Way of America.
YMCA of the USA.
Young Men's & Young Women's Hebrew
Ass'n. (92nd St., NYC).
Youth Volunteer Corps of America.

Again, I thank the chairman and ranking member and the Members of this House for passing this amendment.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Chairman, I commend the gentleman from Michigan [Mr. SMITH] for offering the amendment, and I rise in support of it.

Mr. Chairman, I rise today in strong support of the amendment by my good friend, NICK SMITH of Michigan.

The Smith amendment is straightforward and simple, but its effects could be far-reaching. This "Sense of the Congress" amendment will suggest 10 principles to be taught to our Nation's children—honesty, integrity, promise-keeping, loyalty, fairness, caring, respect, citizenship, accountability and the pursuit of excellence.

Teaching the youth of our country reading, writing, and arithmetic is fundamental to our Nation's future economic success. More fundamental, however, is teaching our young people the difference between right and wrong—teaching them the values of a civilized society.

It is no coincidence that Bill Bennett's Book of Virtues is on the bestseller list. People from all ideological spectrums have praised the book, saying that they have bought it themselves to read to their children and grandchildren. The Smith "Sense of Congress" will demonstrate that old-fashioned, commonsense values are vital components of education.

John Locke wrote, "Virtue is harder to be got than knowledge of the world; and, if lost in a young man, is seldom recovered."

The Smith amendment is a simple way for Congress to show school districts, teachers, and parents that virtue is to be gotten and not lost in each and every young person. I urge adoption of the Smith amendment.

AMENDMENT OFFERED BY MR. ROMERO-BARCELÓ

Mr. ROMERO-BARCELÓ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROMERO-BARCELÓ:

Page 106, line 20 before "the percentage" insert "the greater of".

Page 106, line 21, after "sentence" insert "and 60 percent for fiscal year 1995, 70 percent for fiscal year 1996, 80 percent for fiscal year 1997, 90 percent for fiscal year 1998, and 100 percent for fiscal year 1999 and succeeding fiscal years".

Page 123, line 15, after "1.62" insert "for fiscal year 1995, 2.0 for fiscal year 1996, 2.33 for fiscal year 1997, 2.67 for fiscal year 1998, and 3.0 for fiscal year 1999 and succeeding fiscal years".

Mr. ROMERO-BARCELÓ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. ROMERO-BARCELÓ. Mr. Chairman, the amendment I am offering today is offered on behalf of the children of Puerto Rico. The law, the Elementary and Secondary Education Act and the amendment establish arbitrary caps for Puerto Rico which are perpetuating the second-class, underfunded education system. The elementary and Secondary Education Act funds have been traditionally capped for Puerto Rico. The Island usually receives less than 50 percent of what it would get if parity with the States in this program were to be extended to Puerto Rico.

I want to at this moment to recognize that during the past years the prior chairman, Mr. Gus Hawkins, and the chairman, the gentleman from Michigan [Mr. FORD], have been extremely concerned and have helped Puerto Rico get funding for this program, but what has never been explained to the people of Puerto Rico, and particularly its children, to whom I would like to carry back an explanation, why it is that United States citizens the children, are being discriminated against and are not being given full funding for their education. The hundreds of thousands of poor and the low-income students are now being deprived significant resources that can make a crucial difference in their learning experience.

Education is a key to our economic program, and the education of children in Puerto Rico, with scarce resources, is hindered by the caps contained in this bill.

We are talking precisely about the children who are primary targets of programs such as Chapter 1 funds, and in Puerto Rico over 60 percent of the school-aged population falls below the Federal poverty guidelines. There is great need in my district, and my district is 6 times as large as the districts of any of my colleagues here.

So we are talking about the 60 percent of the children that fall below the Federal poverty guidelines, and there is a great need to move forward and catch up with the national educational standards. In order to accomplish this, the American citizens of Puerto Rico must have equal access to adequate resources.

We ask, Are the children of Puerto Rico U.S. citizens or not? Are they citizens, these children who are grandchildren or great grandchildren of men who gave up their lives defending their country, who have seen their great grandparents or grandfathers who were maimed or handicapped because they were involved in the defense of this Nation and they are deprived of equal funding to improve their educational standards?

Arbitrary caps like the one funded within the Elementary, Secondary Education Act serve to widen the economic gap between mainland and is-

land citizens. Lack of adequate resources result in high dropout rates, outdated schools and learning techniques, and juvenile delinquency, and in many instances, as a measure of last resort, families opt to migrate to the mainland in search of better educational opportunities.

I met a redcap from Puerto Rico in Dallas, and he was telling me how much he missed being back in Puerto Rico with his family. I said, "Why don't you go back to Puerto Rico?"

He said, "I cannot until my children get educated. The opportunities that they have here in Dallas in the public educational system are much better than the ones in Puerto Rico."

Of course, Dallas is much more handsomely funded by the Federal Government than Puerto Rico. So that gap is being not only maintained, it is being increased as the years go by.

□ 1550

When I was a child, I learned that Robin Hood was a hero, that he took away from the wealthy ones that oppressed the poor and took away the crops from the poor, so he redistributed the wealth. But in Puerto Rico, we have tax exemption for the wealthy, and you penalize the poor because the wealthy are tax exempt. Then they say, well, you don't pay taxes in Puerto Rico.

It is not because I don't want to. I don't have a vote. If I had a vote, I would vote so that we would pay the taxes, those of us that can pay, so that the poor, the handicapped, the children, would have equal opportunities. You have the votes. The Members here have the votes. The Senators have the votes. I don't have them.

Then they vote to give tax exemptions to the wealthy, to the great corporations, the 936 corporations. And they say because they are tax exempt, because you don't pay Federal taxes, then the children are not allowed to have the same funding, people who are handicapped are not allowed to have the same funding. And we are depriving our children of equal educational opportunities.

The CHAIRMAN. The time of the gentleman from Puerto Rico has expired.

(By unanimous consent, Mr. ROMERO-BARCELÓ was allowed to proceed for 3 additional minutes.)

Mr. ROMERO-BARCELÓ. Mr. Chairman, this year the U.S. Treasury expects to collect close to \$1 billion in corporate income taxes from corporations in Puerto Rico. This money could be used to make whole the children of Puerto Rico.

When I go back, I must tell the children, why is it that they, U.S. citizens, are not treated the same? I would like an answer.

We have made calculations to see how much it would cost if Puerto Rico

were given parity with the States and treated by the same formula. What it would cost would be 75 cents per child per month as an average for all the States.

Now, 75 cents per child per month, I ask my colleagues here, is that too much to give up? Seventy-five cents per child per month, so that the most disadvantaged children in the Nation can be treated equally?

Congress must stop this blatant form of discrimination against 3,600,000 American citizens, with the poorest school districts and lowest educational area in this Nation. The law itself that has been passed that is being proposed here before us, the bill, the statement of policy says the Congress declares it to be a policy of the United States that a high quality education for all persons and a fair and equal opportunity to obtain such education are a societal good, and so on.

Now, are the children of Puerto Rico not part of the term "all persons?" Are they not to be treated equally?

I think that it is about time that the Congress make an example and put its money where its mouth is. If we are saying we are going to be treating everyone equally, yet the children of Puerto Rico are being treated unequally, I think that this discrimination, this injustice, must end, and we must find a way to make the children of Puerto Rico have the same opportunities that the children of the rest of the Nation have.

Mr. GOODLING. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think we have to put a few things in order here. The first thing I probably should mention is that Puerto Rico at the present time receives more chapter 1 money than 42 States. I repeat, Puerto Rico receives more chapter 1 money than 42 States. Puerto Rico also has one of the lowest per pupil expenditures for elementary and secondary pupils. If you don't pay Federal income tax, it seems to me there should be some additional money available to raise that per pupil expenditure back home.

I remember when I first came here, we had an opportunity to get into a debate on this because there were numerous States that had very low per pupil expenditures, but they were always tilting the formula to take care of those States who were not doing very much to take care of themselves.

I gave a speech in one of the big States, the Lone Star State, some years ago. And when I was finished, a group came up and said, "You have got to get more Federal dollars to us." I said, "As soon as you tax in Texas for education as we tax in Pennsylvania for education, I will be very happy to listen to whatever it is you have in mind."

What we must keep in mind is that Puerto Rico does receive more chapter

1 money than 42 other States. If they were to get more now, it would have to come from some of those 42 States who get less than Puerto Rico presently gets. Again, as I indicated, having no Federal income tax should give them an advantage in providing more money for their local education.

Mr. ROMERO-BARCELÓ. Will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Puerto Rico.

Mr. ROMERO-BARCELÓ. The income taxes in Puerto Rico are higher than the income taxes in any State, if you put the Federal and State income taxes together. The problem is that Puerto Rico is poorer than any other State, so we have less to collect from the citizens. But the rates are higher than anywhere else in the Nation.

We are making an effort. But then in every single program that is of significance, we are treated less. So there has to be much more of a local effort also to try to put the money into that program.

The children don't pay taxes. It is not the children who should be penalized. And we should not look at this in the terms of a State, because some States have populations of 800,000, and they have a much higher standard of living, and a lot of the children are not under the Federal poverty level. So of course they are going to get less.

About 60 percent of the children in Puerto Rico are under the poverty level. They are all U.S. citizens. If we are going to be treated equally, we should look at it as a child, and not as a group in any of the States. If we do that, we are not treating them equally.

Mr. GOODLING. Reclaiming my time, I would indicate the very first thing we did in Pennsylvania is put on a 6-percent sales tax, which goes directly to public education. That is the first thing we did.

The second thing I would say is, as I told you after the vote in committee, the minute you get that statehood vote up to 51 percent the other way, rather than the 48 percent, then I will be the first one here to make sure you get the same treatment that every State gets.

Mr. KILDEE. Mr. Chairman, it is really with a very heavy heart that I rise to oppose this amendment, both because of my great respect for Governor ROMERO-BARCELÓ, and my great feelings for Puerto Rico. I look forward to working with him to achieve his goal to have statehood for Puerto Rico, and I know he supports that very strongly. I believe that that would be the best solution to the problems existing in Puerto Rico with regard to this program.

With statehood, of course, they would pay a Federal income tax and have full voting rights. So I would say to the gentleman from Puerto Rico, Mr. ROMERO-BARCELÓ, he could then not only speak here on the floor, but he could vote on final passage of bills.

In the meantime, while seeking that full representation and full rights of citizens to the people of Puerto Rico, I will pledge myself to work with the Governor to try to get a bigger pie for title I, so that the piece that Puerto Rico gets will be bigger. I also do not preclude the possibility of working with him in the coming years before the reauthorization of this bill to see whether we can find a better way to treat more justly the children of Puerto Rico.

That is why it is with a heavy heart that I oppose this amendment. I do not oppose the Governor, but I have a reality that I have to recognize exists here. I will work with the gentleman to get more money and work to see whether we can find a better formula before we reauthorize this bill again.

Ms. VELÁZQUEZ. Mr. Chairman, I rise today in support of the amendment offered by Mr. ROMERO-BARCELÓ. This amendment accomplishes exactly what the Chapter 1 Program sets out to do, it provides educational funds to the poorest districts with the neediest children.

Puerto Rican children are born American citizens. Yet, they suffer lower poverty and malnutrition rates than any other children in the mainland. The public education system in Puerto Rico is in desperate need to chapter 1 funds. There are not enough funds to supply Puerto Rican children with the type of education that they need to excel in this harsh and competitive world.

Puerto Rican children deserve the same educational opportunities as children in the mainland. They deserve the opportunity to learn. After all, they are American citizens. I urge you to support the Romero-Barceló amendment.

The CHAIRMAN pro tempore (Mr. DARDEN). The question is on the amendment offered by the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ].

The question was taken; and the Chairman announced that the "noes" appeared to have it.

RECORDED VOTE

Mr. ROMERO-BARCELÓ. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 70, noes 358, not voting 10, as follows:

[Roll No. 35]

AYES—70

Abercrombie	Fields (LA)	Meek
Ackerman	Filner	Menendez
Andrews (ME)	Flake	Mfume
Becerra	Foglietta	Mink
Bishop	Gonzalez	Murphy
Clay	Green	Nadler
Clayton	Gutierrez	Norton (DC)
Clyburn	Hamburg	Obey
Conyers	Hilliard	Oliver
Danner	Hoyer	Ortiz
de Lugo (VI)	Jefferson	Owens
Dellums	Johnson, E. B.	Pallone
Deutsches	Kennedy	Pastor
Diaz-Balart	Kopetski	Pelosi
Engel	Lewis (GA)	Rangel
Faleomavaega	Martinez	Reynolds
(AS)	McKinney	Richardson

Romero-Barceló
(PR)
Ros-Lehtinen
Roybal-Allard
Schumer
Scott
Serrano

Smith (IA)
Tejeda
Thompson
Torres
Towns
Tucker
Underwood (GU)

Velázquez
Vento
Waters
Watt
Waxman
Woolsey
Wynn

Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Spratt
Roukema
Rowland
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpallus
Sawyer

Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Unsoeld
Upton
Valentine
Visclosky
Volcker
Vucanovich
Walker
Walsh
Weldon
Wheat
Williams
Wilson
Wolf
Wyden
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—358

Allard
Andrews (NJ)
Applegate
Archer
Armey
Bacchus (FL)
Bacchus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bellenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Billakis
Blackwell
Bliley
Blute
Boehert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Darden
Deal
DeFazio
DeLauro
DeLay
Derrick
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier

Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Fingerhut
Fish
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gillman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennelly
Kildee

Kim
King
Kingston
Klecza
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-
Mezvisinsky
Markley
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meyers
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Orton
Oxley
Packard
Parker
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri

NOT VOTING—10

Andrews (TX)
Collins (IL)
de la Garza
Gallo
Hastings
McDade
Schiff
Washington

□ 1626

Messrs. DEUTSCH, FOGLIETTA, GONZALEZ, OLIVER, and PALLONE changed their vote from "no" to "aye." So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. COLEMAN. Mr. Chairman. I rise in support of H.R. 6, as amended, which reauthorizes the Elementary and Secondary Education Act to spell out the Federal Government's commitment and contribution to America's schools.

Unfortunately, the significance of H.R. 6 was initially lost in the debate over whether it imposed certification requirements no one wanted to impose on private and home schools. I am grateful to the committee for their bipartisan amendment deleting the provision which caused the confusion and making it absolutely clear that nothing in this act is to be construed to apply to home schools.

I have also reluctantly supported the Arme amendment, even though Mr. ARMEY admitted on the floor that his amendment is a redundant statement of protections that are already provided to private schools by permanent education law. I say for the RECORD, though, that I will hold my esteemed colleague on the other side of the aisle to his word that the language of this amendment will be modified so that it does not hurt the parochial schools, especially the Catholic schools, in my district. As it is now, my understanding is that Mr. ARMEY's amendment is an incomplete restatement of the protections provided to parochial schools by permanent law and that by making an incomplete restatement of those permanent protections, we might inadvertently be opening those schools to lawsuits. I understand that Mr. ARMEY redrafted his amendment several times while we debated it on the floor in an area of law that has a long and complicated

history in our courts. I vote for the amendment reluctantly in order to end this issue at least temporarily, are in hopes to avoid any unanticipated and harmful effects on the parochial schools in my district.

With this issue resolved, I think it is important to recognize what H.R. 6 will do. H.R. 6 changes the funding formula for the largest Federal education funding program, the chapter 1 program, in a way which will target more funds towards high-poverty areas such as my district of El Paso, TX. It will also restructure the chapter 1 program to help disadvantaged kids achieve the high levels of performance that we expect from all students, instead of assuming that just because they are poor they need remedial help with low-level skills. In this way, the Federal Government can, for once, complement the efforts that my school districts are making to challenge kids, instead of undermining them.

That is the underlying object of all of the initiatives in H.R. 6—to adjust Federal programs so that they fit in with the efforts that States and local school districts are already making to reform education. This includes provisions to give more flexibility to schools and school districts by waiving various regulations if they are impeding education reform efforts by those schools.

Of the many amendments being offered to H.R. 6, I want to specifically note my adamant opposition to three: the Rohrabacher amendments and the Roth amendment. The Rohrabacher amendments would impose a massive unfunded Federal mandate on State and local governments. The first amendment would require school districts to train educators as Immigration and Naturalization Service [INS] officials so they can identify undocumented students. The second amendment would deny the use of Federal funds to educate these students even though the Supreme Court has ruled that the school districts have an obligation to provide an education to all students, including the undocumented.

I unequivocally oppose these amendments because I do not think that educators should have to take time away from their primary task, education, to hold due process hearings. Furthermore, funding for immigration control and for the education of undocumented students is clearly a Federal responsibility, since State and local governments can do nothing to control undocumented immigration.

The Roth amendment would eliminate Federal funding for bilingual education services for students, an extremely short-sighted idea. Children who speak a language other than English make up the fastest growing segment of the K through 12 population. Experts have found that the best way to help these children make a smooth transition into our society and into an all-English classroom is to allow them to develop skills in basic areas like math, reading, and writing through instruction in their native language, while simultaneously learning English. This method lets children keep up with their schoolmates in those basic skills, preserves their self-esteem, and allows them to grow up with the advantage of proficiency in two languages. The programs work, and to cut off funds and try to deny reality by claiming that we do not face a need to educate students who do not speak English would be plain wrong.

For those reasons, I urge my colleagues to defeat the Rohrabacher and Roth amendments, and to pass H.R. 6, the Improving America's Schools Act.

Ms. LONG. Mr. Chairman, Congressman MYERS and I had intended to offer an amendment regarding Buddy System Computer Education to expand a successful education program to three States to determine if there is merit in funding such a program on a nationwide basis. After working with Chairman FORD of the full committee, Chairman KILDEE of the subcommittee, and Congress GOODLING, the ranking minority member of the full subcommittee, the Buddy System amendment has been incorporated in the committee en bloc amendment.

Specifically, the amendment authorizes the development, demonstration and evaluation of the Buddy System Computer Education grant program in each of three States having demonstrated ability or commitment to computer-based technology education. The program will be established for students in 6th through 8th grades where computers will be placed and linked in students' classrooms and homes.

The amendment is similar to a bill that Congressmen MYERS and I introduced in the House—both this Congress and during the last Congress—and that Senator COATS introduced in the Senate. In 1992, the House passed the bill as part of a larger education measure, but Congress adjourned before the Senate was able to act on the measure.

The program—which is modeled after the Buddy System in Indiana—has shown tremendous success in improving students' academic achievements in the schools that participate. With computers in their homes, students take a greater interest in their homework, spend less time watching television, and improve their computer skills in the process. The results have been nothing short of amazing.

Having a computer in the home also increases parents' participation and involvement in their children's assignments. Parents and siblings of Buddy participants use the computer as well—for school work, business, or household finances—and improve their own computer skills.

Mr. MYERS and I have been enthusiastic supporters of this unique and innovative program for many years. We have visited Buddy sites in our congressional districts in Indiana and have been impressed by the knowledge and skills which the students have demonstrated during school visits.

Mr. Chairman, when I was in school the United States was in a race with the Soviet Union to put someone on the Moon, and the emphasis in education was on science and math. Things have changed. Today our race is on the information superhighway and we must also emphasize computer skills. For our country to win this race, we have to have a well-educated, computer-literate population.

I also note, for the RECORD, that the action today follows a similar action taken, last week, in which another amendment which I drafted was incorporated into the bill to add Buddy System-like programs to a list of innovative educational programs from which the U.S. Secretary of Education may choose to fund. Specifically, the Long amendment allows the Secretary of Education to fund the develop-

ment and expansion of public-private partnership programs which extend the learning experience, via computers, beyond the classroom environment into student homes.

Finally, I extend my sincere appreciation for all the hard work that went into this amendment and to having it included in the committee proposal. Specifically, I appreciate the involvement of Chairman FORD, Chairman KILDEE, the ranking minority member, Mr. GOODLING, and their staffs—Jack Jennings, Susan Wilhelm and Tom Kelley, and Vic Klatt—respectively. The time and attention that these Members and their staffs devoted to the Buddy System amendment will be long-remembered by the teachers, parents, and school students that will benefit from the Buddy System.

COMMEMORATING THE BIRTHDAY OF THE
HONORABLE ROBERT H. MICHEL

Mr. KILDEE. Mr. Chairman, I move to strike the last word. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. GOODLING].

(By unanimous consent, Mr. GOODLING was allowed to speak out of order.)

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding. I just merely wanted to say that one of the finest gentlemen in the Congress happens to have a birthday. You can call him "Michelle," you can call him "Michael," you can call him "Mr. Tough Man," because he is tougher than an automobile.

But we should wish a happy birthday to our minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. FORD of Michigan. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose, and the Speaker pro tempore (Mr. HOYER) having assumed the chair, Mr. DARDEN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6) to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION REQUESTING A CONFERENCE WITH THE SENATE ON AN AMENDMENT OF THE HOUSE TO S. 636, FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-427) on the resolution (H. Res. 374) to request a conference with the Senate on an amendment of the House to the bill (S. 636) to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PRIVILEGES OF THE HOUSE—
CALLING ON COMMITTEE ON
STANDARDS OF OFFICIAL CONDUCT TO DEFER CONDUCTING AN INVESTIGATION INTO ACTIVITY AT THE HOUSE POST OFFICE

Mr. GEPHARDT. Mr. Speaker, I offer a privileged resolution (H. Res. 375) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 375

Whereas the House is on notice pursuant to Rule IX that it may soon consider a proposal to direct the Committee on Standards of Official Conduct to investigate the former operations of the House Post Office;

Whereas matters relating to the former operations of the House Post Office are the subject of an ongoing criminal investigation by the United States Attorney of the District of Columbia;

Whereas pursuant to its rules, the Committee on Standards of Official Conduct traditionally defers inquiry with respect to a matter that is the subject of an ongoing investigation by an appropriate law enforcement or regulatory authority;

Whereas the Committee on Standards of Official Conduct has on several occasions agreed to defer inquiry with respect to the former operations of the House Post Office, and has deferred inquiry in other matters regarding current Members where investigations by other authorities are proceeding;

Whereas by letters of November 25, 1992, September 9, 1993, and October 26, 1993, then Assistant Attorney General Lee Rawls, then United States Attorney J. Ramsey Johnson, and current United States Attorney Eric Holder, respectively, requested that the Committee on Standards of Official Conduct defer any inquiry into the former operations of the House Post Office and related matters;

Whereas on February 23, 1994, the United States Attorney of the District of Columbia delivered the following letter to the Speaker and the Republican Leader:

DEPARTMENT OF JUSTICE,
Washington, DC, February 23, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

Hon. ROBERT H. MICHEL,
Minority Leader, House of Representatives, Washington, DC.

DEAR MR. SPEAKER AND CONGRESSMAN MICHEL: I am writing to express my concern that certain actions reportedly being considered by the House of Representatives could significantly damage a criminal investigation being actively pursued by this Office. Like my two immediate predecessors as United States Attorney for this District, Jay B. Stephens and J. Ramsey Johnson, I urge the House to refrain from such actions, and to affirm the paramount public interest in permitting the grand jury to determine fairly whether the criminal laws have been violated, whether by Members of Congress or others. My request is all the more urgent now, as this important investigation is in its final stages and will be concluded in the near future.

As you know, the United States Attorney's Office, in conjunction with a federal grand jury, has been conducting a criminal investigation of matters that related originally to the operation of the House Post Office. That original phase of the investigation, which has resulted in the criminal convictions of seven former employees of the House Post

Office and one former congressional aide, reached its most significant point so far in July 1993, with the guilty plea of former House Postmaster Robert V. Rota. With the cooperation of Mr. Rota, the investigation turned to allegations of criminal conduct by other individuals, specifically Members of Congress who conducted certain financial transactions through the House Post Office. This aspect of the investigation is continuing.

As you also are aware (because of disclosures mandated by House Rule 50) in the last few months the grand jury's investigation has expanded to include additional allegations of criminal misconduct beyond those tied to the House Post Office, including matters involving the House Finance Office and the House Office Supply Service (known as the House Stationery Store). These relatively recent additional developments are now fully within the purview of the grand jury's criminal investigation.

It is my understanding, however, that despite the existence of this active and important criminal investigation, the House may soon be asked to vote on House Resolution 238. This resolution would specifically direct the Committee on Standards of Official Conduct to investigate whether Members of Congress received cash from the House Post Office.

Inquiry into these matters by a committee of the House would pose a severe risk to the integrity of the criminal investigation. Inevitably, any such inquiry would overlap substantially with the grand jury's activities. Among other concerns, the House certainly would seek to interview the same witnesses or subjects who are central to the criminal investigation. Such interviews could jeopardize the criminal probe in several respects, including the dangers of congressional immunity, of Speech-or-Debate issues, and of unwarranted public disclosure of matters at the core of the criminal investigation. This inherent conflict would be greatly magnified by the fact that the House would be investigating matters that are criminal in nature, and would be covering essentially the same ground as the grand jury. This Office had occasion to voice similar concerns during the operations-and-management review of the House Post Office that was conducted by a task force of the Committee on House Administration; yet that review is far more limited in scope, and far easier to separate from the criminal probe, than the investigation required by House Resolution 238.

These threats to the grand jury investigation would not be lessened by the portion of the resolution that would permit the Committee to defer its inquiry as to any particular Member, if the Department of Justice stated in writing that that Member was being investigated. Wholly apart from the legal issues involved in the Justice Department's identifying individuals who are under criminal investigation, the idea of excluding the conduct of one or more identified individuals from the congressional inquiry does almost nothing to protect the integrity of the overall criminal investigation. That investigation encompasses the interrelated conduct of numerous persons, and cannot be divided and compartmentalized in such a manner.

I and my predecessors have acknowledged the importance to the House of its ability to review and police the internal operations, management, and procedures of congressional institutions. In particular, we are sensitive to the special responsibility of the

Committee on Standards of Official Conduct to examine possible violations of House ethical standards. Nevertheless, it is unquestionably the province of the grand jury to investigate, without interference, specific criminal allegations against particular individuals, regardless of who they may be or to what institution of government they may belong. Moreover, the vital public interest in fair and effective law enforcement requires that any such investigation be shielded vigorously from actions that might endanger its integrity.

For these reasons, it has been the consistent position of this Office, throughout the life of the investigation, that the House should defer its own inquiries until the grand jury investigation is completed. I make that request of you again now, in the strongest possible terms. I ask the House of Representatives to forbear from any proposed actions or inquiries in the areas covered by the grand jury's ongoing criminal investigation, both in order to avoid compromising that investigation at this late stage, and in order to further the public interest in preserving the fairness, thoroughness, and confidentiality of the grand jury process.

Thank you for your attention to this important matter.

ERIC H. HOLDER, Jr.,
U.S. Attorney.

Whereas, the House should exercise particular caution so as not to impede, delay, or otherwise interfere with an ongoing criminal investigation that may involve its own Members; Therefore, be it

Resolved, That the House supports the decision of the Committee on Standards of Official Conduct to defer inquiry on matters relating to the former operation of the House Post Office; and be it

Further resolved, That the Committee on Standards of Official Conduct shall continue to consult with the United States Attorney and continue to review its decision to defer inquiry in this matter. At such time as the Committee determines that a Committee inquiry would no longer interfere with the criminal investigation, the Committee shall proceed, pursuant to its rules, with such inquiry as it deems appropriate.

□ 1630

The SPEAKER pro tempore (Mr. HOYER). The Chair determines that the resolution offered by the gentleman from Missouri [Mr. GEPHARDT] raises a question of privilege, and under rule IX, paragraph 2(a)(2), the gentleman from Missouri [Mr. GEPHARDT] will be recognized for 30 minutes.

The Chair will recognize the minority leader or his designee for 30 minutes. Does the gentleman from Iowa [Mr. GRANDY] rise as the designee of the minority leader?

Mr. GRANDY. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. GRANDY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

□ 1640

Mr. GEPHARDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the subject matter of this resolution is familiar to the House. It is, as we all know, the object of a criminal investigation within the

office of the U.S. attorney for the District of Columbia. I would have preferred not to offer this resolution, however, under the rules, the House must consider today another privileged resolution offered by the gentleman from Oklahoma [Mr. ISTOOK].

The House addressed this topic in July of last year when we voted to make public the transcripts of the House Post Office Task Force of the House Administration Committee when the inquiry now ongoing in the U.S. attorney's office is concluded.

The House wisely decided to defer publication until the U.S. attorney completed his inquiry because a move to immediately disclose those records would have undermined the U.S. attorney's investigation.

As you know, last Wednesday, the U.S. attorney for the District of Columbia delivered a letter to the Speaker and the Republican leader in which he strongly urged the ethics committee to continue to defer action in this matter.

Mr. Holder noted that his "request was all the more urgent now, as this important investigation is in its final stages and will be concluded in the near future." He also stated that investigation of "these matters by a committee of the House would pose a severe risk to the integrity of the criminal investigation."

In its previous correspondence with the House, the Department of Justice, in both this administration and the last one, has made it clear that such activity would interfere with its official investigation.

In a while, later today, we will consider House Resolution 238, the Istook resolution, which would require the ethics committee to give the Department of Justice a list of witnesses and specific evidence it would need to conduct its investigation, and to press the Department to explain, on a witness-by-witness, document-by-document basis, how important each is to the Department's ongoing criminal investigation of these matters. Then and only then, can a majority of the committee vote, on the same witness-by-witness, document-by-document basis, to defer investigation as to each such item.

I have serious doubts that such an elaborate process is likely to yield much more information than the committee has already elicited through its ongoing dialogue with the Department, specifically with three successive U.S. attorneys.

I oppose the Istook resolution because it would reverse the long preserved tradition of the ethics committee of deferring inquiry into the conduct of Members, Republicans and Democrats, in the face of an ongoing investigation by a law enforcement or regulatory authority.

The committee has a primary responsibility to ensure that justice is served

by its actions. Because of this principle, the committee has, pursuant to its rules, deferred such inquiry with respect to the former operations of the House Post Office on several occasions.

I remain firmly convinced that the decision to pursue an ethics inquiry into the conduct of a sitting Member should remain within the carefully maintained bipartisan forum of the ethics committee.

Accordingly, my resolution urges support for the ethics committee decision to defer inquiry at this time, particularly in light of the strong objection of the U.S. attorney. My resolution also directs the ethics committee to continue to consult with the U.S. attorney, to continue to review its decision to defer inquiry, and to take such action as it deems appropriate at such time as it determines that an inquiry would not interfere with the criminal investigation.

Mr. Speaker, this policy of deferral is not new. It has been applied to Members of both parties under investigation, and without the necessity for privileged resolutions.

I believe that there is only one course that can be taken here, only one course that conforms to the House's consistent policy, only one course that preserves the presumption of innocence, only one course that applies the same standard to all Members of the House. I urge an "aye" vote on this resolution.

The SPEAKER pro tempore (Mr. HOYER). The Chair recognizes the gentleman from Iowa [Mr. GRANDY], the ranking member of the Committee on Standards of Official Conduct.

Mr. GRANDY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the ranking member of the Committee on Standards of Official Conduct, I will rise today in opposition to the majority leader's resolution. I do that reluctantly, because this committee, as he has pointed out, has a long history of being able to resolve matters brought before it in a non-partisan fashion, and I, too, am disturbed that the resolution before us will almost certainly force members of this committee to vote along party lines. I hope we are not establishing a precedent today because I would consider that precedent very dangerous to the future viability of the committee.

But it is important to oppose what the majority leader is doing today because there is a disagreement in the committee. There is a disagreement in the committee as to whether the committee may defer while a Justice Department investigation is going on or whether the committee shall defer, and that is essentially the choice for Members today.

Mr. Speaker, the Istook resolution says the committee may defer. That implies that the Committee on Standards of Official Conduct should perhaps

test the firewalls that exist between the Department of Justice and their investigation and the proceedings conducted under House rules in the Committee on Standards of Official Conduct. It is uncharted territory, Mr. Speaker. We are not sure exactly how far we can proceed.

The only precedent we really have, Mr. Speaker, is the House Bank, which was, unfortunately, a judgment we made up as we went along, and I very much hope that, even though the bank precedent which obliged this House, and then the Committee on Standards of Official Conduct, to investigate an institution of the House rather than an individual, was the precedent that is set today. I am afraid that unfortunately we must comply with that standard, and this, too, will be a gray area.

Under normal circumstances I would heartily concur that the committee should not be subject to the political pressures of the House, but this is not a normal circumstance. The Post Office case is different from those normally before the committee wherein a written complaint is filed with the committee stating the allegations and the name of the alleged wrongdoer. Then the normal committee rules regarding the investigation of complaints of alleged violations of the House rules are drafted in terms of allegations that involve a Member, an officer, or an employee of the House. In the case of the Post Office we are dealing again with an institution, not just one person, and unfortunately, with the bank as our precedent, we know very often that the more we investigate the institution, the more individuals, Members, and employees and others become part of that investigation.

So, Mr. Speaker, unfortunately today this committee must divide, and unfortunately it is important for Members on the Republican side to insist that we move forward with a flexible standard for the Committee on Standards of Official Conduct to possibly defer, and I would daresay right now, if the vote were taken in the committee, we would defer if the U.S. attorney wrote another letter. But let me just read one provision of the Istook resolution because I think it provides more flexibility for the committee than perhaps the majority leader indicated in his remarks:

Further resolved that the Committee shall inform the Department of Justice regarding the procedures and aspects the Committee intends to investigate. If the Department of Justice then responds that a specific matter the Committee intends to investigate is material to, or subject of an official investigation, the Committee may defer that inquiry pending the conclusion of the investigation by the Department of Justice . . .

Mr. Speaker, that is what we have done time and time again and will probably continue to do. We have no

interest in impeaching witnesses, destroying immunity for witnesses or otherwise compromising a criminal investigation. But it is also important for us to keep a certain dialog and perhaps even a pressure going with the Department of Justice to complete this investigation which is now well over 2 years old.

Mr. Speaker, that is why when we compare what the Istook resolution does, which allows the committee at least some flexibility to go back to Justice and say, "Please give us some more information, please tell us how far we can proceed," and the Gephardt resolution, we ask for the opportunity to proceed to the Gephardt resolution, which says that we shall continue to consult with the U.S. attorney and continue to review its decision and to defer inquiry on this matter.

It may seem like a trivial difference, but it is enough to divide the Republicans and the Democrats on this committee so we cannot resolve our differences either in the leader's office or in our own council, and so we bring it to the floor today.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I thank the majority leader for yielding me this time.

Mr. Speaker, I urge my colleagues to vote against the resolution offered by the gentleman from Oklahoma [Mr. ISTOOK] and for the majority leader's resolution.

It is very important that we respect the investigations of our investigating agencies. The Committee on the Judiciary, of course, had had jurisdiction over the FBI for many years, and there will never be and never has been inquiry with regard to ongoing investigations. We must respect the integrity of the investigating agencies of the executive department.

In addition to that, we are asking for the tainting of any evidence that might be developed should an indictment come along. It could just result in the dismissal of any suit by the judge should any of the information developed by a committee of Congress be leaked to the press, which practically always happens.

Mr. Speaker, I urge a no vote on the resolution offered by the gentleman from Oklahoma [Mr. ISTOOK] and an "aye" vote on the resolution offered by the majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GRANDY. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KYL], a member of the committee.

Mr. KYL. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, the issue here is simple, but not easy. It is whether the legislative branch of our Government will proceed to obtain necessary informa-

tion from the Department of Justice to independently determine whether the House Ethics Committee can conduct an investigation without jeopardizing the ongoing criminal inquiry.

The problem with the Gephardt resolution is that it creates a de facto presumption against the ethics committee proceeding and fails to assert the legitimate and equal obligations of the House in the legislative branch vis-à-vis the Justice Department in the executive branch.

The ethics committee needs to have the backing of the full House in asserting our right to know who the Justice Department is investigating and how our proceeding would jeopardize its investigation. We can then make a decision on our own whether or not to defer.

To date, the committee has deferred simply on assurances by representatives of the Justice Department that they are proceeding and that any action by the committee would jeopardize the U.S. attorney's case. The committee as a whole has thus far accepted the conclusion of the U.S. attorney's office. Some members of the committee, however, believe the committee should make an independent judgment based on information—facts—not just conclusions by who are concerned prosecutors primarily with their responsibilities, not ours. We need the backing of the House to deal effectively with the Department of Justice to learn enough to make an informed and independent judgment.

The committee has already shown it will be sensitive to do nothing to jeopardize criminal investigations. We have deferred action now for a year and a half. We will not abuse your trust. But, we need the authority of the House to learn what we need to know. That is why the Istook resolution would be helpful, and the Gephardt resolution would add unnecessary confusion.

The American people are now beginning to ask: Why the delay? How do you in the House know you should take no action? How much longer are you willing simply to take the U.S. attorney's word for it?

I have no doubt about the total integrity of the U.S. Department of Justice. The Department should have no doubt of the integrity of the committee. We have already demonstrated our good faith.

As a member of the committee, I ask the House for support by voting "no" on the Gephardt resolution and "aye" on the Istook resolution.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the chairman of the committee, the distinguished gentleman from Washington [Mr. McDERMOTT].

Mr. McDERMOTT. Mr. Speaker, I rise in support of the majority leader's resolution. It affirms the efforts of the ethics committee to carry out its re-

sponsibilities to the American people, the House, and to Members as it always has—evenhandedly as to all Members, without partisan motivation, and with a proper regard for the legitimate concerns of the criminal justice system.

Whatever the vote today, the committee will continue its consultations with the U.S. attorney, and will continue to review his requests to defer to insure that they are based on an accurate factual predicate and sound legal reasoning.

I believe it fair to say, however, that I, and most committee members, believe it entirely reasonable and prudent to permit the Department of Justice to conclude a lengthy, complicated and sensitive criminal investigation without interference from the House of Representatives—the course the committee, with bipartisan unanimity has always taken in these cases, and which it has taken recently in other cases. Never has the House directed its ethics committee to proceed with an ethics inquiry in the face of a committee determination that it should defer to the Justice Department. And never before has the ethics committee undertaken an investigation—that is, subpoenaed, deposed, and examined witnesses, made grants of immunity, demanded the production of documents, conducted hearings—when a Federal grand jury was actively investigating the same case and pursuing the same witnesses and documents.

I would also point out for the record that, contrary to recent assertions by some Members, the committee and the Department of Justice did not simultaneously investigate the House Bank. And, although the committee did some preliminary work on the Abscam matter, it acceded to the then Attorney General's request to delay a full investigation until the Department of Justice had concluded its inquiry.

Indeed, during the course of the Department's investigation of that case and before indictments were handed down, the House defeated, 404-4, a resolution of inquiry that would have directed the Department of Justice to turn over its Abscam records to the ethics committee.

And, ironically, although the independent counsel inquiry in the Iran/Contra affair did coincide with the Iran-Contra Committee's investigation, that very investigation led to the reversal of two of the convictions.

So, Mr. Speaker, the ethics committee has not delayed an investigation for partisan purposes or because a respected and senior Member of the House may be involved. Rather, the ethics committee has deliberated fully and honestly on this issue and has consistently concluded on a bipartisan basis that the proper course was to defer action until the completion of the criminal investigation.

Mr. Speaker, it was my initial intention to stay out of this debate since it

usually is the better practice for ethics committee members to avoid public comment on whether it should proceed in particular matters. However, I simply cannot remain silent while some, with little regard for the institutions of the House, for the efficacy of its ethics procedures, or for the facts, impugn the motivation, judgment, and essential honesty of the ethics committee.

Mr. Speaker, there is no hidden agenda lurking behind the familiar facts of this case.

Members know that the Department of Justice will not and should not divulge grand jury information to the ethics committee while the grand jury is investigating; but such information would be essential to any committee inquiry.

Members know the havoc the committee would wreak on the Department of Justice's activities if the former Postmaster were granted immunity; but that is what would be needed to secure his testimony.

Members know that the ethics committee, under two different chairmen and two different ranking minority members, has concluded that it would be unwise to duplicate Department of Justice efforts in this case; but we are urged to investigate.

Members understand that a House inquiry would lead to endless legal battles with the Department over access to documents and witnesses and could result in defense challenges based on the Jencks Act and other statutes and rules of criminal procedure; but we are urged to investigate.

Most Members know of the character and reputation of the U.S. attorney for the District of Columbia, former Judge Eric Holder, but some persist in implying coverup.

Most of my colleagues are aware of the complexities of this case and of the fact that three professional assistant U.S. attorneys have been working on it full time and continue to pursue new leads; but some continue to accuse the Department of unreasonable delay.

I can only conclude, Mr. Speaker, that something other than a thirst for justice informs the thought processes of some of our colleagues. And I can not for the life of me, considering all the circumstances of this case, understand why anyone would want to risk impeding the criminal investigation. Indeed, I can well imagine the outcry if I, and not Members on the other side, were urging the committee to act. Would my actions be perceived as a principled attempt to protect the integrity of the House? I think not.

Mr. Speaker, let me briefly summarize the history of this matter as it relates to the ethics committee.

In February 1992, following news accounts of thefts, drug use, and other improprieties on the part of mid- to lower-level employees of the post office, the House enacted House Resolu-

tion 340, directing the Committee on House Administration—not the ethics committee—to investigate the operation and management of the Office of the Postmaster. Late in July 1992, that committee's post office task force completed its work and filed its report with the House.

On July 22, 1992, the House enacted House Resolution 518, directing the Committee on House Administration to transmit to the Department of Justice and the ethics committee all records it had obtained during its investigation. Those records were provided to the committee on August 17.

In the meantime, the then chairman and ranking Republican member, LOU STOKES and JIM HANSEN, appointed a six Member bipartisan task force to examine the records and make recommendations on how the committee should proceed. Contending with the summer recess, the task force was still able to meet three times to review the work of the committee's attorneys.

On September 17, 1992, the task force presented its recommendations to the full committee. Those recommendations, with which the full committee agreed, were to consult with the Department of Justice and, if a reasonable and supportable request was made, to defer committee inquiry, as it usually does in such cases, pending completion of the preexisting criminal investigation. The same day Chairman STOKES and ranking member HANSEN wrote to Attorney General Barr seeking his opinion on these issues. The 102d Congress adjourned *sine die* before a response to the letter was received.

The response came on November 25, 1992, from Assistant Attorney General Lee Rawls. He stated:

We recognize the responsibility of the Committee on Standards of Official Conduct to examine possible violations of House ethical standards. Nevertheless, such inquiry, at this point in the criminal investigation, would likely involve testimonial and documentary evidence that are integral parts of that investigation, and so could compromise the vital public interest in fairly determining whether criminal laws have been violated. Accordingly, we ask that your committee, pursuant to Rule 14(g), defer its consideration of this matter until the completion of the criminal investigation.

Again, that letter was received after the Congress had adjourned.

The 103d Congress convened in early January 1993, but the ethics committee was not elected until February 4 and the committee's organizational meeting, under a new chairman and a new ranking Republican member, did not occur until February 18.

At that meeting I and FRED GRANDY reviewed the history of the post office task force, noted the exchange of letters with the Department of Justice, and reminded members that the committee was acceding to the Department's request to defer.

Three meetings of the full committee were held in the next few months on

other matters, and members were reminded informally of the ongoing criminal investigation and the decision to defer. In the meantime, in July 1993, as debate approached on a privileged motion to publicly disclose the Committee on House Administration's transcripts of its post office related interviews, the U.S. Attorney wrote the Speaker and the Republican Leader stating that such disclosure would have a "significant adverse impact on the ongoing criminal investigation." The House then adopted House Resolution 223, committing the House to consider disclosure of the transcripts at such time as the U.S. Attorney indicated he no longer objected.

On August 4, 1993, Mr. ISTOOK introduced his resolution. The staff of the ethics committee again reviewed the matter. On September 3, 1993, Mr. GRANDY and I sent a letter to the U.S. Attorney asking for his comments on the resolution. On September 9, 1993, U.S. Attorney J. Ramsey Johnson replied. He stated the following:

We are very concerned that any parallel inquiry by your Committee at this stage could significantly interfere with this important ongoing criminal investigation. Among other concerns, individuals whom you may wish to interview may include many of the same persons who are critical witnesses or subjects of the criminal investigation. Interviews of those individuals about the subject matter still under active investigation by the grand jury could lead to the disclosure of matters still under active investigation by the grand jury, and could otherwise jeopardize the integrity of the criminal investigative process.

In October 1993 newspaper accounts and a public hearing of the Committee on House Administration revealed that the grand jury had subpoenaed finance office records of certain Members and that some irregularities in that office's maintenance and handling of particular records had been discovered. The matter was discussed at an ethics committee meeting on October 20.

On that same date Chairman ROSE and ranking member THOMAS of the Committee on House Administration asked the ethics committee to inquire into possible ethical violations in the finance office matter.

On October 26, 1993, Mr. GRANDY and I sent another letter to the U.S. attorney, asking for his comments on the effect a committee inquiry into the finance office would have on the criminal investigation. On November 18, 1993, the new U.S. attorney, former Judge Eric Holder, wrote to the committee as follows:

I ask you now to continue our cooperation, under the terms of Rule 14(g), by deferring any action on matters related to the House Finance Office. As I understand the issues that were reported to have raised the concerns of the House Administration Committee, the requested inquiry by your Committee would overlap substantially with matters under active investigation by the grand jury * * * We will continue to conduct the criminal

investigation as expeditiously as can prudently be done, in order to bring it to an appropriate conclusion.

On that date a meeting of the ethics committee was held to consider these matters. The committee directed the staff to meet with the prosecutors to fully discuss the soundness of their requests to defer and the progress of the investigation. On that same date I also had a telephone conversation with Judge Holder. He urged us to continue to defer, assured me that he was under no political pressure to proceed in any particular manner, stated that the investigation had not been delayed because of the change in administrations, and noted that the investigation was proceeding as fast as prudently possible considering its scope. I understand that Judge Holder has provided the same assurances to Mr. Schiff.

On November 22, 1993, three attorneys from the ethics committee staff met with the section chief and two of the three other assistant U.S. attorneys assigned full time to the case.

On November 24, the committee staff discussed the Finance Office problems with General Wishart.

On November 26, 1993, the first session of the 103d Congress adjourned.

On January 11, 1994, committee staff again met with General Wishart. On January 14, the committee staff met with the Chief of the Finance Office. On January 24 the committee staff met again with the assistant U.S. attorney in charge of the investigation. On January 31, the committee staff met with the clerk of the House to discuss finance office matters.

Finally, on February 23, 1994, came Mr. Holder's letter to the Speaker and Republican leader. It is the letter reprinted in the majority leader's resolution. It is as clear and focussed a statement of the grounds for the ethics committee's actions in this matter as I have seen.

Mr. Speaker, the chronology I have just recited, I trust, suggests that the committee has not delayed unnecessarily, sought to bury the matter, or acted for partisan reasons, as some have suggested. Rather, the record reflects a committee that has done its duty responsibly and fairly.

Nor does the record suggest that the prosecutors are motivated by anything else than a desire to perform their duties in a professional manner.

The prosecutors do contend, and most legal experts with whom I have consulted agree, that the single most damaging action to the prosecution's efforts that could occur right now is for the ethics committee to begin interviewing government witnesses, making grants of immunity, and otherwise taking those actions essential to a thorough inquiry.

So, make no mistake about it. The ethics committee understands its responsibilities to the public, to the

House, and to Members. The committee will take all reasonable steps to make the determinations required by the resolution and to carry out the will of the House. The committee will strive to secure these ends without delaying, impeding, or jeopardizing the criminal investigation. And the committee will continue to resist all attempts to use the ethics process for personal or partisan advantage.

In short, the committee, with your support, will continue on the reasonable and prudent course it has been following in this case.

□ 1710

The SPEAKER pro tempore (Mr. HOYER). The gentleman from Missouri [Mr. GEPHARDT], the majority leader, has 7 minutes remaining, and the gentleman from Iowa [Mr. GRANDY] has 23 minutes remaining.

Mr. GRANDY. Mr. Speaker, I yield myself such time as I may consume.

Let me just, in light of the chairman's comments, reemphasize that the Republican members of the Committee on Standards of Official Conduct have no intention of jeopardizing the criminal investigation that is currently proceeding at Justice. The latitude that the committee granted the Department of Justice has led to eight individuals pleading guilty to criminal violations, and those persons are cooperating with the prosecutors to proceed with the investigation.

I want to point out, too, Mr. Speaker, that this resolution offered by the gentleman from Oklahoma [Mr. ISTOOK] today has been crafted with the support of the chief counsel and the minority members of the Committee on Standards of Official Conduct. It is attempt to investigate the institution of the House so as not to jeopardize the criminal investigation.

I would point out that there are parts of this puzzle that do not involve calling witnesses. Documents could be subpoenaed, such as cash for stamp vouchers, which the committee has not seen yet.

Will Justice allow that? We do not know. But our purpose, in trying to pass this resolution and defeating the Gephardt resolution, is, we want the ability to ask them, why not?

Mr. Speaker, I yield 4 minutes to the gentleman from Kansas [Mr. ROBERTS], a member of the Committee on House Administration.

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for yielding time to me.

Once again, I have the very unenviable task of recalling for the membership the findings, the actions, and the weaknesses of the House post office investigation. I was the cochairman of that investigation.

When I came to the House floor, on July 22, 1992, some 20 months ago, with my colleagues who served on the task force and with our report, I told the

House, "This review found disarray, no oversight, no accountability, not to mention the use of drugs and embezzlement and the misuse of House funds."

Our report was filled then with mismanagement and allegations of wrongdoing. It was then and it is now the job of the Committee on Standards of Official Conduct to pursue any question that would concern the possible violation of House rules.

Mr. Speaker, I told the House then that this report "is in no way," and when I refer to the report, I have same in my hand, "This report in no way is complete as to what happened in the House post office."

It was our best effort under very, very difficult circumstances. And I said, "The investigation should continue."

Now, over the course of the last 2 years, some will argue, have argued already that the investigation has continued under the direction of the Department of Justice. But other than the press reports and the recent letter here, we have no knowledge of what, if anything, the Department of Justice is doing or accomplishing. But today we speak of the House's responsibility and our ability to investigate and to discipline our own Members according to House rules, not to enforce or to meddle with or to interpret any Federal laws.

Throughout the course of the House investigation, we took the position that the House was capable, without interfering with the Department of Justice activities, to conduct an investigation of our own affairs. Time and time again the Department of Justice insisted that the House administration investigation end and that no action be taken until a criminal probe could be complete. The same arguments made in the well of the House were made then.

Every time that challenge was made by the Department of Justice, the House leadership and our task force, reinforced by the will of the House, persisted. And we moved ahead.

Now today the situation is no different. We have to choose to move ahead or continue to languish and leave a cloud of doubt and suspicion.

I want to remind my colleagues that we exchanged 12 letters, here they are, in the House post office investigation report, all contained within the appendices, starting on page 266, in regards to the House and the Department of Justice during the 8-month course of our investigation, exerting our ability to conduct an investigation without impeding the Department of Justice. Six times we were asked to halt our investigation and six times we proceeded.

This letter says, "With all due respect to the Acting Assistant Attorney General, April 2, 1992. We do not want to impair or infringe on an ongoing criminal investigation by the Department of Justice."

"We are confident, however, that the task force investigation will not interfere with your criminal investigation. The task force will continue to maintain our communications with the Department in an effort to avoid unnecessary conflict. Signed BOB MICHEL, Republican Leader; Speaker THOMAS S. FOLEY; WILLIAM M. THOMAS, ranking member, Committee on House Administration; CHARLIE ROSE, chairman, Committee on House Administration."

Now, the Democrat leadership signed that letter previously and supported that position, but argues today we are unable to do the same thing.

Let the Committee on Standards of Official Conduct move ahead. Please support the Istook resolution. Let us put this matter behind us.

Mr. GRANDY. Mr. Speaker, I yield 4½ minutes to the gentleman from Kentucky [Mr. BUNNING], a distinguished member of the Committee on Standards of Official Conduct.

Mr. BUNNING. Mr. Speaker, I rise in support of the Istook resolution to initiate an inquiry into the activity at the House post office and urge my colleagues to oppose Mr. GEPHARDT's resolution which would basically maintain the status quo of inaction and irresponsibility.

Stonewalling doesn't solve anything. And stonewalling is exactly what this body has been doing for the past 2 years on the House post office scandal.

The post office scandal started over 2 years ago.

The scandal was serious enough to result in the conviction of eight former House employees—over 6 months ago. Eight convictions is a pretty good sign that something fairly significant has happened.

Yet, this body has done absolutely nothing. We have done nothing to determine how many Members of the House of Representatives might be involved in any kind of illegal or improper activity.

We have done nothing to determine who those Members might be.

We have definitely done nothing to discipline them.

Every time we have considered initiating an investigation, we get a letter from the Justice Department telling us that they really would rather we wouldn't get involved.

They say we might jeopardize the criminal investigation. They say that they are getting close to some kind of conclusion.

And each time, we have deferred to the wishes of the Justice Department.

Two years have gone by and we still don't know the size or the scope or the extent of improper activity. Nobody knows.

The only thing that anybody knows for sure, is that the U.S. House of Representatives has a 2-year-old scandal in its midst, and it has not even made a token effort to fulfill its constitutional

responsibility to police its own house—to clean its own house.

It is our constitutional responsibility. The Constitution gives the House the authority—and by implication, the responsibility to discipline its own Members. The Constitution doesn't say we have to defer to the Justice Department.

It says we have the authority. We need to exercise that authority.

In fact, in the past, House leaders have protected that right and that responsibility—the separation of powers. That is why this institution has exempted itself from so many of the laws that we impose on others.

And now the House leadership is asking us to step aside and defer once again to the executive branch. That is the height of hypocrisy.

We cannot afford to give a foot-dragging Justice Department the right to veto our constitutional rights and responsibilities.

We cannot afford to hide any longer behind inaction like the majority leader has proposed. His resolution would have us continue to do absolutely nothing. Status quo—self imposed ignorance.

Inaction does nothing to stop the erosion of public respect for this body. Inaction does nothing to slow the tarnishing of our public reputations as Members of this body.

We cannot afford inaction any longer. And I think it is time to do something about it.

I urge my colleagues to join me in defeating the majority leader's resolution and moving ahead.

There is absolutely no reason that we cannot conduct a concurrent investigation of our own without interfering with the efforts of the Justice Department.

We do have a permanent Ethics Committee that has been created specifically for this purpose. Let it do its job. That's why it was created—to investigate wrongdoing or improper conduct by House Members.

And the House Ethics Committee can surely coordinate its investigation to make sure it does not interfere with or jeopardize the criminal investigation of the Justice Department in any way.

We cannot keep deferring our responsibilities. A 3-year-old scandal is lying rotting in the heart of this House and we need to clean it up.

I urge my colleagues to join me in defeating the Gephardt amendment.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, let me share with my colleagues, the letter of February 23, 1994, from U.S. Attorney Eric Holder, who I think points out why we should not take the course that the gentleman from Oklahoma [Mr. ISTOOK] suggests today.

He says, "Like my two immediate predecessors as U.S. Attorney for this

district, Jay B. Stephens," and I might point out, a Republican appointee, "and J. Ramsey Johnson," a court-appointed appointee, "I urge the House to refrain from such actions."

He goes on to say, "My request is all the more urgent now, as this important investigation is in its final stages and will be concluded in the near future."

On the second page he says,

Inquiry into these matters by a committee of the House would pose a severe risk to the integrity of the criminal investigation. * * * Such interviews could jeopardize the criminal probe in several respects, including the dangers of congressional immunity, of Speech-or-Debate issues, and of unwarranted public disclosure of matters at the core of the criminal investigation.

He concludes with these words, "I make that request of you again now, in the strongest possible terms * * * in order to avoid compromising that investigation at this late stage".

My colleagues, all of us who chose to serve and run for these positions in this great institution come here for the purpose of serving our country and our constituents. In that process, the American public expects that politics is going to be involved in those decisions. But, parties and individuals who posture have never gone over the line of jeopardizing the constitutional responsibilities of an equal branch of government.

Not once, not twice, but three times the Ethics Committee, which is equally divided between the two parties, has chosen not to interfere with the judicial branch of government in its present investigation. It has been unanimous by the Republicans on the Ethics Committee. For Republicans to suggest now that the Ethics Committee has been stonewalling this investigation is to suggest that their own Republican Members on the Ethics Committee have been part of that stonewalling.

Let us not jeopardize this very serious investigation. Let us not go over that line at this time. Let us complete this process, and then let the Ethics Committee do the job that it is entitled to do in that timely fashion.

I include for the RECORD the entire letter by Mr. Eric H. Holder, Jr., to the Honorable THOMAS S. FOLEY, Speaker, U.S. House of Representatives:

DEPARTMENT OF JUSTICE,
U.S. ATTORNEY, DISTRICT OF COLUMBIA,
Washington, DC, February 23, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

Hon. ROBERT H. MICHEL,
Minority Leader, House of Representatives, Washington, DC.

DEAR MR. SPEAKER AND CONGRESSMAN MICHEL: I am writing to express my concern that certain actions reportedly being considered by the House of Representatives could significantly damage a criminal investigation being actively pursued by this Office. Like my two immediate predecessors as United States Attorney for this District, Jay

B. Stephens and J. Ramsey Johnson, I urge the House to refrain from such actions, and to affirm the paramount public interest in permitting the grand jury to determine fairly whether the criminal laws have been violated, whether by Members of Congress or others. My request is all the more urgent now, as this important investigation is in its final stages and will be concluded in the near future.

As you know, the United States Attorney's Office, in conjunction with a federal grand jury, has been conducting a criminal investigation of matters that related originally to the operation of the House Post Office. That original phase of the investigation, which has resulted in the criminal convictions of seven former employees of the House Post Office and one former congressional aide, reached its most significant point so far in July 1993, with the guilty plea of former House Postmaster Robert V. Rota. With the cooperation of Mr. Rota, the investigation turned to allegations of criminal conduct by other individuals, specifically Members of Congress who conducted certain financial transactions through the House Post Office. This aspect of the investigation is continuing.

As you also are aware (because of disclosures mandated by House Rule 50) in the last few months the grand jury's investigation has expanded to include additional allegations of criminal misconduct beyond those tied to the House Post Office, including matters involving the House Finance Office and the House Office Supply Service (known as the House Stationery Store). These relatively recent additional developments are now fully within the purview of the grand jury's criminal investigation.

It is my understanding, however, that despite the existence of this active and important criminal investigation, the House may soon be asked to vote on House Resolution 238. This resolution would specifically direct the Committee on Standards of Official Conduct to investigate whether Members of Congress received cash from the House Post Office.

Inquiry into these matters by a committee of the House would pose a severe risk to the integrity of the criminal investigation. Inevitably, any such inquiry would overlap substantially with the grand jury's activities. Among other concerns, the House certainly would seek to interview the same witnesses or subjects who are central to the criminal investigation. Such interviews could jeopardize the criminal probe in several respects, including the dangers of congressional immunity, of Speech-or-Debate issues, and of unwarranted public disclosure of matters at the core of the criminal investigation. This inherent conflict would be greatly magnified by the fact that the House would be investigating matters that are criminal in nature, and would be covering essentially the same ground as the grand jury. This Office had occasion to voice similar concerns during the operations-and-management review of the House Post Office that was conducted by a task force of the Committee on House Administration; yet that review was far more limited in scope, and far easier to separate from the criminal probe, than the investigation required by House Resolution 238.

These threats to the grand jury investigation would not be lessened by the portion of the resolution that would permit the Committee to defer its inquiry as to any particular Member, if the Department of Justice stated in writing that that Member was being investigated. Wholly apart from the

legal issues involved in the Justice Department's identifying individuals who are under criminal investigation, the idea of excluding the conduct of one or more identified individuals from the congressional inquiry does almost nothing to protect the integrity of the overall criminal investigation. That investigation encompasses the interrelated conduct of numerous persons, and cannot be divided and compartmentalized in such a manner.

I and my predecessors have acknowledged the importance to the House of its ability to review and police the internal operations, management, and procedures of congressional institutions. In particular, we are sensitive to the special responsibility of the Committee on Standards of Official Conduct to examine possible violations of House ethical standards. Nevertheless, it is unquestionably the province of the grand jury to investigate, without interference, specific criminal allegations against particular individuals, regardless of who they may be or to what institution of government they may belong. Moreover, the vital public interest in fair and effective law enforcement requires that any such investigation be shielded vigorously from actions that might endanger its integrity.

For these reasons, it has been the consistent position of this Office, throughout the life of the investigation, that the House should defer its own inquiries until the grand jury investigation is completed. I make that request of you again now, in the strongest possible terms. I ask the House of Representatives to forbear from any proposed actions or inquiries in the areas covered by the grand jury's ongoing criminal investigation, both in order to avoid compromising that investigation at this late stage, and in order to further the public interest in preserving the fairness, thoroughness, and confidentiality of the grand jury process.

Thank you for your attention to this important matter.

Sincerely,

ERIC H. HOLDER JR.
United States Attorney.

Mr. GRANDY. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. GOSS], a member of the committee.

Mr. GOSS. Mr. Speaker, I thank the distinguished ranking member for yielding me the time.

Mr. Speaker, I am a member of the ethics committee and I am very proud of the work we have done so far. I have been here for 5 years. I have been on the ethics committee 3 years. I do not know what that means in terms of who I offended when I came here, but I will tell the Members that I am proud of the work we have done.

I believe that the ethics committee can function well on behalf of the House, the whole House, every Member. I think it can make sure that there is no special privilege for certain more senior people. I think every person is guaranteed equal treatment under our rules, so we can take our job and we can do our job, as we have proven when we can operate in a nonpartisan way, without any partisan pressures on either side, and when we can operate unilaterally from the leadership, either minority or majority leadership, when we operate for the whole body.

I think we all know that we have a problem with the institution itself, with our credibility rating. An awful lot of Americans do not have a high opinion of the way we go about our business. Certainly when we get a bad headline, as we are having in this case, it causes us a problem.

Recently we refused to allow a mandated congressional coverage under the independent counsel statute. We were told in our debate that we can police ourselves. That is really what these two resolutions are about, will we have the opportunity to police ourselves.

At the core of this dispute is whether we can go about our business while the executive branch goes about its business without interfering with each other. Probably we can do that to a point, but inevitably we are going to have a place where those roads come together, and we are going to have to make some good decisions.

I think the ethics committee is going to get its marching orders today. The gentleman from Missouri [Mr. GEPHARDT] wants this investigation done sequentially, first DOJ, then our ethics committee. The gentleman from Oklahoma [Mr. ISTOOK] suggested it could be done concurrently, that we can go about our business without tripping over each other.

Does the ethics committee have the wisdom to make a judgment whether to defer, or do we leave it to the executive branch to make that decision in case of a conflict? I have some observations on that. We have worked in the House bank situation with Judge Wilkie and some others, and I think we cooperated very well.

As the chairman, the gentleman from Washington [Mr. McDERMOTT] has said, we have got a situation now with the long chronology of 2 years where the Ethics Committee has handled very well and responsibly so far what we have been asked to do. Perhaps some of us are frustrated we cannot do more, but we understand the value of the DOJ situation.

We have preserved our prerogative to do our own investigation. We have certainly not interfered in any DOJ criminal or civil investigation at this time, and I think we have believed the assurances from DOJ that they are doing something appropriate and taking action.

I think that is all a very responsible situation.

Chairman McDERMOTT also said, "Why are we doing this now?" And I suggest part of the answer may be that some feel in America that we are not policing ourselves well enough in light of recent headlines, in light of the fact that 2 years has gone by. I think that it is not Republicans who are raising the issue. I think it is Americans that are raising the issue.

I am getting these questions not from just Republican constituents. I

am getting it, as we all are, from all Americans, and the issue is: Are you going to do something about what we are reading about? Many do not realize that we are doing something about it right now.

I believe that where we are today at the crux of the issue is whether we in ethics can start an activity without interfering with the DOJ ongoing investigation. Can we get to some accountability after the process we have gone through over 2 years? Are there certain things we can do in spite of the new irregularities to House rules that we have read about on the front page of the press lately? Is there something else we should be doing in that area? These are fair and obvious questions.

The other side of this issue is do not yield to the executive branch our ability to police ourselves, and that is why I oppose the Gephardt resolution and support Istook, because we preserve our right to police ourselves.

Mr. GRANDY. Mr. Speaker, how much time remains in the debate?

The SPEAKER pro tempore (Mr. HOYER). The gentleman from Iowa [Mr. GRANDY] has 9½ minutes remaining.

Mr. GRANDY. It is my understanding, Mr. Speaker, that the majority has the right to close, so we will now use the 9½ minutes in its entirety. Is that correct, Mr. Speaker?

The SPEAKER pro tempore. That is correct. It was the Chair's intention to recognize the gentleman from Iowa as long as he wants to use the 9½ minutes and then to recognize the majority leader for closing.

Mr. GRANDY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, to use the old tired Yogi Berra saying, it is déjà vu all over again. That is right, here we go again.

Was it not during the House banking scandal when the Democratic leadership worked the phones to deny a full-disclosure vote a few years ago?

Here we go again.

The gentleman from Oklahoma [Mr. ISTOOK] has a very good resolution requiring the ethics committee to investigate as long as it does not interfere with the Justice Department. What is wrong with that?

Once again, the Democratic leadership is opposed and wants to give its Members cover with the Gephardt resolution which really does nothing. That is right, nothing. It allows the ethics committee to keep on doing what it has been doing the last 2 years: nothing.

Please, my colleagues, vote "no" on the Gephardt resolution and give us a vote, a real vote, with teeth in it on the Istook resolution.

Mr. GRANDY. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. ISTOOK], the author of the resolution in opposition to the Gephardt resolution.

Mr. ISTOOK. Mr. Speaker, I think sometimes people are missing the point, and that is that last July 19 a smoking gun was laid down regarding the House post office through the guilty plea and the conviction of Robert V. Rota, who served for about 20 years as the Postmaster. He went to Federal court that day and pleaded guilty to three charges of helping Members of Congress to embezzle tens of thousands of dollars from the taxpayers. It is in the court records. It is there for everyone to see. It is not whispering anymore. It is not rumors.

The U.S. Government told the court on that day that they were prepared to prove that Mr. Rota helped these Members to embezzle the money, three counts of embezzlement laid right at the feet of Members of Congress.

What has happened since that time? Nothing. The ethics committee does not know which Members. They do not know how many Members. They do not know how much money.

Any company that had internal embezzlement would have an internal investigation in addition to what is being done by a prosecutor. That is all that we are seeking to do. If you were shareholders in a company, you would insist that be done by your management. We are no different.

The U.S. Government said in the papers that several Members of Congress were involved. We do not know how many. But how can you decide to defer if you do not know the basic facts?

We in this body often brag, it seems, about being able to bring competing positions together, to find a way for people to work together, to cooperate. In this case, we are so eager, it seems, to accept a blanket superficial assertion by the U.S. attorney, "Somehow you are interfering," instead of saying, "Let us sit down together, let us find a way to cooperate, we have a constitutional duty, we and the taxpayers have been cheated from, embezzled from, according to what you told the court." It is a smoking gun. It cannot be ignored. It is different from any other allegation before.

I urge you to vote against the Gephardt resolution and for the Istook resolution.

Mr. GRANDY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I just am saddened by these kinds of issues. I believe very deeply in this institution, and I would hope that others do, too, and understand that, No. 1, the Justice Department is another branch of our Government, that we are empowered and mandated to clean our own house. Yet some in this body do not seem to understand that and would rather see mud thrown at this institution than to get to the bottom of problems in this institution.

The gentleman from Michigan mentioned the bank scandal. This is almost

the same thing that happened during the bank scandal. Rather than walk out to the American people and tell them the bank was not a bank and explain what was going on, we dragged not only this institution but many good Members through the mud, because we did not believe in the institution first and individuals second. That is what is happening.

And then the majority leader's resolution: It is cleverly written to just say we are going to stick with the status quo; we are going to rely on the Justice Department to do a criminal investigation, and then maybe if something comes out of that, we will do an investigation of our own to clean our own house. There is nothing in our House rules that precludes us from doing both at the same time.

We are about to meet the third-year anniversary of this scandal. It started on April 26, 1991, and yet this House has not investigated anything to clean up the problem and the American people are seeing what is happening. In fact, they just saw the President of the United States go out and campaign for one of the principals that is being investigated in this issue. And yet what do we do? We pass, or try to pass, this unfortunate resolution that says we are just going to continue the process as usual.

We need to clean our own house for the sake of the institution. Defeat the Gephardt resolution and pass the Istook resolution.

Mr. GRANDY. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KYL], a member of the committee.

Mr. KYL. Mr. Speaker, I want to begin by praising the majority leader for his efforts and the minority whip for his efforts to try to bring about a bipartisan agreement on this so we could have proceeded in a bipartisan way.

I think the operative difference between the two resolutions that resulted from the failure of that agreement is this: Gephardt, in effect, says to the committee, "Defer action unless something happens to change your mind." Istook says, "Go as far as you can until you conclude the criminal case would be jeopardized." Istook is a vote of confidence in the ethics committee to continue to exercise its judgment. Gephardt says, "Inquire no further, at least for now." Istook says, "Try to determine what problems would occur if you proceeded. You owe it to the House to do more than just accede to the wishes of the U.S. attorney. Verify his concerns are legitimate. If they are, defer. But exercise your own judgment in policing your Members."

Mr. Speaker, the question, therefore, is whether this House trusts the ethics committee. Judge Holder's letter suggests that is too great a risk, that we either might foolishly grant immunity

to a witness in a way that could hurt his case, or that a sensitive matter might leak from the committee.

I ask this question of my colleagues: Under the leadership of Chairman McDERMOTT and the gentleman from Iowa [Mr. GRANDY] and Members like the gentleman from Maryland [Mr. CARDIN], who will close this debate, do you really believe the ethics committee would be so foolish as to jeopardize a legitimate criminal prosecution? Has the committee done anything to date to suggest that we would not act responsibly?

If anything, I would suggest the committee has been too cautious. I wish we could have proceeded on a bipartisan basis. I think we can in the committee. But we must be empowered to proceed as far as we can responsibly go. That is why, regrettably, I oppose the Gephardt resolution and urge my colleagues to support the Istook resolution.

Mr. GRANDY. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Iowa [Mr. GRANDY] has 2½ minutes remaining.

Mr. GRANDY. Mr. Speaker, I yield myself the balance of my time.

Let me just point out to the Members, if they had listened to the debate on our side, they have heard perhaps a difference in tone between those Republican Members who are serving on the committee and those who do not.

The Members on the committee are scrupulously trying to maintain the integrity of the Justice Department investigation while asking for a little bit more flexibility to proceed within the committee. That is why we have consciously tried to tone down the rhetoric in our remarks.

But whether you are on the committee or not on the committee, Mr. Speaker, the question we are asking today and we have asked before in this body is what must the House do to begin to restore its lost credibility with the American people? Unfortunately, whenever that happens, when public pressure collides with committee procedures with prerogatives, usually public pressure wins because we are trying to protect public trust in this institution.

The last precedent, we all remember it, was when we voted to turn over material to Judge Wilke, who was special counsel on the bank scandal. Unfortunately, we divided along partisan lines, and we will divide along partisan lines again.

That was an important precedent for us to remember. Members of this House did not want to give up their personal files to a Justice investigation, but we did. Today we ask for the opportunity to question Justice's prerogatives.

I would add one more point, Mr. Speaker: The Istook resolution asks the committee to do something we are

doing today but we should do periodically, which is to report to the House. We may report, we cannot proceed; Justice has told us clearly what we can and cannot do, and we concur.

I appreciate the support of the gentleman from Arizona [Mr. KYL], and others of the committee who do know that we are trying to find some kind of balance. The Istook resolution asks us to question that balance, to go back to Justice, to ask them to be a little bit more forthcoming in the material that they have provided and in the material that they have not provided.

So, again, the debate today is whether we shall defer in the Gephardt resolution and do nothing and maintain the status quo or whether in the Istook resolution we may defer. It is the difference between the status quo and the status quo-plus. It may seem slight, but it has brought us to this debate today, and I encourage Members of this Congress to reject the Gephardt resolution and support the Istook resolution.

The SPEAKER pro tempore (Mr. HOYER). All time on the minority side has expired.

The gentleman from Missouri [Mr. GEPHARDT] has 4 minutes remaining.

Mr. GEPHARDT. Mr. Speaker, I yield the balance of our time to a distinguished member of the Committee on Standards of Official Conduct, the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, as a member of the Ethics Committee, I rise here disappointed and troubled by the resolutions that are before us, for I fear that they could jeopardize two long-standing traditions of this House that have served this House well and have served the American people well.

The first principle is that the Ethics Committee must work in a bipartisan fashion. As the gentleman from Iowa [Mr. GRANDY] has pointed out, we have worked in a bipartisan manner. There has been no disagreements within the Ethics Committee as to the actions of the Ethics Committee. We have reviewed this matter in September 1992, September 1993, October 1993, and unanimously deferred action at the request of the U.S. attorney.

The second tradition that I am afraid that we jeopardize is that this House should not compromise a criminal investigation under any circumstances. Our constituents want us to be held accountable criminally, as any other citizen should be held accountable, if we violate the criminal statutes. And yet we are perhaps today willing to jeopardize that because we think we are an independent branch of Government and should do something more.

The Istook resolution assumes that the Ethics Committee has not done what it should. As Mr. GRANDY has pointed out in his comments, we on the Ethics Committee acted upon the best information that we had.

The Gephardt resolution, despite the characterizations, gives the Ethics

Committee the discretion to act or not. It says, "At such time as the committee determines that a committee inquiry would no longer interfere with criminal investigation, the committee shall proceed pursuant to its rules with such inquiry as it deems appropriate." It does not take away the discretion of the Ethics Committee and does not change the burden of proof, as some of my colleagues would have you believe.

Let me point out the language difference that I think is in the two resolutions: The Istook resolution says, and this is important, that the Ethics Committee "shall immediately investigate all possible violations", et cetera. The U.S. attorney has said an inquiry into these matters by the committee would pose a serious risk to the integrity of the criminal investigation.

Should we substitute our judgment for the U.S. attorney's? We are Members of Congress, not U.S. attorneys.

We should rely upon his best judgment as to whether a criminal case will be jeopardized. He says it will; we should take his word.

Should we make a mistake? Should we substitute our judgment and mess up a criminal investigation? No Member wants that.

The majority leader's resolution makes it clear that every Member should be held accountable for violations of our rules, but we should not jeopardize the criminal investigation. That is not germane, it is not up to the House of Representatives to bring criminal charges. That is up to the U.S. attorney.

We cannot investigate criminal charges. Our rules specifically require us to refer out matters that involve criminal matters to the U.S. attorneys. Our rules specifically provide for us to defer action, which we have always done, in order not to violate criminal matters. There has been inference here that this matter has not proceeded in the normal course. I take exception to that.

Both the Democrats and Republicans on the Ethics Committee have conferred with the U.S. attorney. This has been an active investigation. Eight indictments have been brought. To infer that the U.S. attorney is dragging his feet, the inquiry has been expanded; it started with the U.S. post office, and now it has been expanded to other aspects.

We are satisfied that the U.S. attorney is proceeding with due haste. We do not want to jeopardize a criminal investigation. This House, the committee has acted responsibly. Let the committee do its work. That is what it should do. It will do its work, it will investigate violations of our rules. But do not put us in the position where you could cause a partisan split for the Ethics Committee to take action which could violate a criminal investigation.

I urge support of the majority leader's resolution, and not the Istook resolution.

The SPEAKER pro tempore. All time has expired.

Mr. GEPHARDT. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution offered by the gentleman from Missouri [Mr. GEPHARDT].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ISTOOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 184, not voting 8, as follows:

[Roll No. 36]

YEAS—241

Abercrombie	Edwards (TX)	Lancaster
Ackerman	Engel	Lantos
Andrews (ME)	English	LaRocco
Andrews (NJ)	Eshoo	Laughlin
Applegate	Evans	Lehman
Bacchus (FL)	Farr	Levin
Baessler	Fazio	Lewis (GA)
Barca	Fields (LA)	Lipinski
Barcia	Filner	Lloyd
Barlow	Fingerhut	Long
Barrett (WI)	Flake	Lowe
Becerra	Foglietta	Maloney
Beilenson	Ford (MI)	Mann
Berman	Ford (TN)	Manton
Bevill	Frank (MA)	Markey
Bilbray	Frost	Martinez
Bishop	Furse	Matsui
Blackwell	Gejdenson	McCloskey
Bonior	Gephardt	McCurdy
Borski	Geren	McDermott
Boucher	Gibbons	McHale
Brewster	Glickman	McKinney
Brooks	Gonzalez	McNulty
Browder	Gordon	Meehan
Brown (CA)	Green	Meek
Brown (FL)	Gutierrez	Menendez
Brown (OH)	Hall (OH)	Mfume
Bryant	Hamburg	Miller (CA)
Byrne	Harman	Mineta
Cantwell	Hayes	Minge
Cardin	Hefner	Mink
Carr	Hilliard	Moakley
Chapman	Hinchey	Mollohan
Clay	Hoagland	Montgomery
Clayton	Hochbrueckner	Moran
Clement	Holden	Murphy
Clyburn	Hoyer	Murtha
Coleman	Hughes	Nadler
Collins (MI)	Hutto	Natcher
Condit	Inslee	Neal (MA)
Conyers	Jacobs	Neal (NC)
Coppersmith	Jefferson	Oberstar
Costello	Johnson (GA)	Obey
Coyne	Johnson (SD)	Oliver
Cramer	Johnson, E. B.	Ortiz
Danner	Johnston	Orton
Darden	Kanjorski	Owens
DeFazio	Kaptur	Pallone
DeLauro	Kennedy	Pastor
Dellums	Kennelly	Payne (NJ)
Derrick	Kildee	Payne (VA)
Deutsch	Kleczka	Pelosi
Dicks	Klein	Peterson (FL)
Dingell	Klink	Pickett
Dixon	Kopetski	Pickle
Dooley	Kreidler	Pomeroy
Durbin	LaFalce	Poshard
Edwards (CA)	Lambert	Price (NC)

Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd

Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli

Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—184

Allard
Archer
Army
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Billakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte

Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Ingalls
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
Margolies-
Mezvinsky
Mazzoli
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinaro
Moorhead
Morella

NOT VOTING—8

Andrews (TX)
Collins (IL)
de la Garza

Gallo
Hastings
McDade

Myers
Nussle
Oxley
Packard
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1808

The Clerk announced the following pairs:

On this vote:

Mr. Andrews of Texas for, with Mr. Gallo against.

Mrs. Collins of Illinois for, with Mr. Schiff against.

Mr. PETERSON of Minnesota and Mr. STENHOLM changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

PRIVILEGES OF THE HOUSE—CALLING ON COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO CONDUCT INVESTIGATION INTO ACTIVITY AT HOUSE POST OFFICE

Mr. ISTOOK. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 238) and ask for its immediate consideration.

□ 1810

The SPEAKER pro tempore (Mr. HOYER). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 238

Whereas, allegations reported in public and made in official court documents that personnel of the House Post Office provided illegal cash to certain members in three ways: (1) cash instead of stamps for official vouchers, (2) cash for postage stamps which, had earlier been purchased with official vouchers, and (3) cash for campaign checks;

Whereas, these allegations directly affect the rights of the House collectively, its safety, dignity, and the integrity of its proceedings, and the rights, reputation, and conduct of its Members:

Whereas, Article I, Section V of the Constitution gives each House of the Congress responsibility over disorderly behavior of its Members:

Whereas, the Committee on Standards of Official Conduct has jurisdiction over the conduct and behavior of current House Members, Officers, and employees, including investigatory authority, and is the appropriate body of this House to conduct any inquiry: Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct is instructed to investigate immediately all possible violations that are related, but not limited to, the documents received by the Committee on Standards of Official Conduct from the Committee on House Administration, and the allegations stated above.

Further resolved, The Committee on Standards of Official Conduct shall coordinate its

investigation with the related efforts of the Department of Justice so as not to jeopardize any ongoing criminal investigation.

Further resolved, That in pursuing its investigations, the Committee on Standards of Official Conduct shall determine Members, Officers or employees who have violated House rules, practices and procedures in connection with the House Post Office.

Further resolved, The Committee shall inform the Department of Justice regarding the procedures and aspects the Committee intends to investigate. If the Department of Justice then responds that a specific matter the Committee intends to investigate is material to, or subject of an official investigation, the Committee may defer that inquiry pending the conclusion of the investigation by the Department of Justice.

Further resolved, That the Committee on Standards of Official Conduct shall file a public status report within 60 days of the adoption of the resolution and periodically thereafter.

The SPEAKER pro tempore. The resolution constitutes a resolution raising a question of the privileges of the House.

The gentleman from Oklahoma [Mr. ISTOOK] will be recognized for 30 minutes, and the gentleman from Missouri [Mr. GEPHARDT], the majority leader, will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Speaker, all time yielded during my debate is for purposes of debate only.

I yield myself such time as I may consume.

Mr. Speaker, as has been mentioned previously in debate earlier today, last July a former employee of the House of 20 years's standing confessed in Federal court to three charges of assisting Members of Congress to embezzle large sums from taxpayers. As unpleasant as the task may be, Mr. Speaker, we have a constitutional obligation, article I, section 5 gives it to us, to pursue incidents of misconduct by our Members, to take any necessary steps that may include discipline or even expulsion from this body. It is a duty that no one here wishes that we had to have, but nevertheless, is ours.

Our Ethics Committee, Mr. Speaker, although aware of the circumstances, evidently has yet to try to find the answer to some simple questions that are necessary for the protection of this body: Who are the Members who allegedly were involved in the embezzlement, what are the amounts taken, and how many are there?

I submit, Mr. Speaker, that only if we can satisfy some threshold questions can we understand the scope of these very serious allegations and determine how we should proceed, whether we can indeed, as many of us believe we can, cooperate and coordinate an internal investigation with the current probe by the Justice Department, rather than giving an automatic response of deferral.

I would submit, Mr. Speaker, that although the Justice Department has

certainly put in writing a desire to defer, the arguments they present us are superficial and have not been questioned or studied by the Ethics Committee of this body; that we have been all too willing to pass the buck to someone else to mess with our dirty linens in this matter. Therefore, this resolution calls upon the Ethics Committee to open the inquiry. The resolution simply requires the Ethics Committee to open the inquiry, to go as far as they can without constitution interference with the Justice Department, and to work with the Justice Department to satisfy the needs of this body to uphold its own integrity and dignity, as well as the needs of the Justice Department in the criminal justice system.

Mr. Speaker, I have heard from many people a concern, would our Ethics Committee grant immunity to a witness that somehow interferes with the Justice Department. Many people have overlooked a very simple fact, and it is in the Federal court records in the plea agreement of Mr. Robert Rota, the former Postmaster.

Paragraph eight of the agreement states that he has already been granted immunity by the Justice Department from any additional charges that might stem from his service as Postmaster of this body, so long as he will cooperate with all investigators of the United States. Mr. Speaker, that language would include us. It is in the court records, it is in the plea agreement.

This resolution is simple and straightforward, Mr. Speaker. It states that we do not have enough information yet to make an informed decision, and the Ethics Committee is the proper group to pursue that on our behalf.

Mr. Speaker, I urge adoption of the resolution, and I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 6 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I thank the distinguished chairman of the Committee on Standards of Official Conduct for yielding to me.

Mr. Speaker, the debate which we have just heard on the floor a few minutes ago brings back a lot of memories to me. On two occasions during my tenure here in the House I have been called on by Speakers of the House to chair the House Ethics Committee. It is probably the most painful experience that I have ever encountered during my tenure in the House.

□ 1820

It is the toughest job and the worst job that any person in the House could be asked to do. So is service on that committee. I do not know of any Members who ever have sought to be on the ethics committee. But I do know that all of them, once assigned that respon-

sibility on behalf of the House, have tried to carry out an institutional responsibility with great integrity.

During the two times that I chaired the committee, I had the good fortune of having two of the finest men in the House serve as the ranking minority members. In one case it was the gentleman from South Carolina, Mr. SPENCE, and in the other case it was JIM HANSEN. Both of these men worked with me in order to do the difficult jobs we had been given without any partisanship whatsoever, and it is to their credit and the credit of the other Members that we were able to keep any partisanship out of any type of assignment ever given us. We never brought a political matter to the floor.

We had some tough cases. We had the ABSCAM cases, the infamous ABSCAM cases. We had the sex-and-drug investigations involving Members of Congress and pages. We even investigated a former Member of the House then running for the Vice Presidency of the United States, and we investigated numerous Members of the House charged with various types of offenses. All of those cases were tough.

We had cries at that time for us to investigate many times at the same time that the Justice Department was conducting investigations. As a matter of tradition and history, the ethics committee has never conducted an investigation simultaneously with the Justice Department, the reason being that this would be political influence of an ongoing criminal investigation.

The action just taken by the House was the proper action. What we did in the resolution just passed was we said that the House should exercise particular caution so as not to impede, delay, or otherwise interfere with an ongoing criminal investigation that may involve its own Members. It said further that the House supports the decision of the Committee on Standards of Official Conduct to defer inquiry on matters relating to the former operation of the Post Office. This is important to realize that this was the right action for us to take. We ought not to be interfering in any way with an ongoing criminal investigation.

What the Istook resolution does, and it says this, and I think it is important for us to understand what it says, that in pursuing its investigation, the Committee on Standards of Official Conduct shall determine Members, officers, or employees who have violated House rules, practices, and procedures in connection with the House Post Office. You cannot do this here in the House while they are conducting a criminal investigation through a grand jury.

While I served my last tenure as chairman of this committee, we had the same problem that had been referred to us by a vote of 414 to nothing for us to investigate this matter, and pursuant to the past history and tradi-

tion of the House, I wrote a letter, signed by JIM HANSEN, our ranking member, to the Department of Justice and posed this question. I said:

It is our understanding that the Department of Justice, through a grand jury empaneled by the United States District Court for the District of Columbia, is conducting a criminal investigation relating to the House Post Office. This Committee would not want to interfere with or impede that investigation in any way. Moreover, pursuant to past practice, as reflected in Committee Rule 14(g), the Committee may defer action on any matter being actively pursued by the Department until such time as the Department has concluded in its investigation.

This was on September 17, 1992. On November 25, 1992, I received a reply back from W. Lee Rawls, the Assistant Attorney General. Let me refer to that part of it which I think is pertinent, relative to the Istook resolution. They said to us.

The Department of Justice shares your concern that any parallel inquiry by your committee at this stage could significantly interfere with this important ongoing criminal investigation. Among other concerns, individuals whom you may wish to interview may include many of the same persons who are critical witnesses or subjects of the criminal investigation. Interviews of those individuals about the subject matter of the criminal problem could lead to the disclosure of matters still under active investigation by the grand jury and could otherwise jeopardize the integrity of the criminal investigative process.

Mr. Speaker and Members of the House, all of us want to do what is right and proper in terms of what is right for this House. We do not want, however, to do what we have done on other occasions, and that is interfere with something to the detriment of the House and bring further shame upon the House in some way.

This is a matter that we ought to leave to the Department of Justice. Let our ethics committee remain in touch with them, continue to monitor it, and at the proper time they will be able to bring us the kind of action we ought to take. Until then we should defeat this resolution.

Mr. ISTOOK. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, it is a privilege for me to follow the gentleman from Ohio [Mr. STOKES].

Mr. STOKES, I believe that you are an honorable man, and I have great respect for you in having served in the chairmanship of that position for over 10 years, and I agree with you when you say it is a difficult job. I have not served in that kind of position.

I served as an honor court justice in law school for 2 years and had to rule over some of my own classmates. It is not easy. I have served also as a prosecutor in the U.S. attorney's office, so I have an understanding of the United States Code and the criminal process.

I agree with you when you say that matters such as this, that we want to take politics out of it. Ethics should not be a partisan issue.

I was bothered when I walked in and cast one of the last votes to see that the last vote appeared to be a partisan, and you can pick up the paper tomorrow and they will put a partisan spin on how this was voted. I agree with you, sir, that it should not be a partisan issue.

I am in disagreement with you, though, when you say that we should just turn it over to the Department of Justice, because our inaction in this body does create the cloud of politics. Inaction creates that cloud. And that is very bothersome.

How well you know, Mr. STOKES, and I guess I am talking directly to you.

Mr. Speaker, we are constitutionally charged, so often charged, to take care of our own Members, and so often we hear that we should not, Mr. Speaker. So often we say that we should not pass rules that apply to us because we will police our own. There was an argument that the gentleman from Missouri [Mr. GEPHARDT] gave during the family leave that I listened attentively to: Here we have the opportunity to police our own, but we say, "No, let us punt that issue to the Department of Justice and let Justice take care of it."

Folks, we have a tremendous responsibility to take care to police our own, and we should not punt the issue to the Department of Justice.

This, the United States Code, takes care of the criminal process and criminal procedure. That is what the U.S. attorney's office is, that is what the Department of Justice is. Let us just not throw the book away and let them do it. Our responsibility comes under this, the House ethics code. We are constitutionally charged to move forward.

□ 1830

And I will say that James Madison said it very well, the Federalist No. 51, page 3. I hope you read it.

Mr. GEPHARDT. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker and Members of the House, we know that the members of the Ethics Committee, none of them has asked for this assignment and none of us hopes we ever are chosen to carry it out. We know that the leadership has exercised its judgment on both sides of the aisle, to pick people for this committee whom they trust, they respect, and they expect to discharge their duties to the House and to the country. This is done so that we can assure the public and our colleagues that justice will be carried out and that the public interest and the public trust will be protected. This process should not be subject to political pressure. As difficult as that political pressure might be for Mem-

bers of the House, we should in fact recognize that the process must work to the end of achieving justice and protecting the public interest.

The members of this Ethics Committee were picked by the Speaker and the minority leader of the House. They have discharged their duty throughout history in a rather admirable fashion, based upon the principles that each case would be taken care of and protected so that justice would be carried out. And yet, if you listen to the people who have come to this aisle from the Republican side, you would have to believe that they are leaning to an indictment of the Ethics Committee. You would have to believe, as Mr. BUNNING said, that this committee is committed to stonewalling, that somehow the committee of which he is a member is committed to stonewalling or, as Mr. ISTOOK said earlier, that they are all too willing to simply go along with the status quo; or, as the speaker who was just in the well said, that they are committed to inaction. That is not the fact. That is not the history of this committee.

The history of this committee is that they have been working, they have been discussing on a bipartisan basis with the Department of Justice to see whether or not there is an opening, whether or not there is something they should be doing. At each and every turn, they have been told, "No, stay out of this so that we can conclude this to bring about justice, to bring it to a successful conclusion." But the members of this committee somehow suggest that if we do not have the Istook resolution, that the members of this committee are lying down on the job, that they are not discharging their obligations to you or to the country.

That simply cannot be true. We know the members of this committee, these are honorable people, these are people who have discharged their obligations in very, very difficult circumstances. What they have chosen not to do in the discharge of that obligation is to obstruct justice, is to trample on justice, and to deny a person the fairness of that hearing.

But in the end, what have they done? They have ferreted out, whether it was the bank scandal or any other scandal which was presented to this House, they have ferreted out those facts, delivered those facts to this House, and this House has voted from time to time to censure, to condemn Members, to expel Members, and people have been brought before the bar of justice.

Now, what has happened? Apparently, Mr. ISTOOK is impatient with the pace of the investigation. I am sorry about that. Maybe he is impatient of the investigation with Mr. McDADE. That has been 2 years. But people felt that he was entitled to his appeals, to not have that case obstructed in one fashion or another by their involvement.

Now, this committee has voted not to proceed, on a bipartisan basis; in some cases, perhaps on a unanimous basis. Is the judgment of this House that this committee is engaged in a process of covering up or stonewalling? I do not think so. I do not think so.

But let us remember something: This committee has all of the authority that it needs to proceed. They have chosen, under Mr. GRANDY's leadership and under Mr. McDERMOTT's leadership, with the support of the Republican side and the Democratic side, not to proceed, because after discussions with the U.S. attorney they were told that to proceed is to jeopardize that case and that investigation.

But somehow, Mr. ISTOOK wants to supplant his judgment for what in some cases is the unanimous bipartisan judgment of the members of this committee. So, Mr. ISTOOK must tell us which of the members of this committee he believes is engaged in that coverup or all too willing to go along with the status quo or stonewalling, as Mr. BUNNING suggested. I suspect it is none of the members of this committee. They have proceeded as they properly should.

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I believe the actions and the votes of the members of the committee will speak for themselves in this process. I would also bring out to the attention of those who are not certain that, as Mr. ROBERTS pointed out, who was the cochair of an earlier task force that looked into the operations of the House post office, that Mr. MICHEL and Mr. FOLEY, as respective leaders of the parties, both wrote to the Justice Department when there was no implication that Members of Congress would have a finger of guilt pointed to them, that we needed to work with the Justice Department and investigate jointly.

But now, since Rota's confession and allegation, when a finger of suspicion points at Members of Congress, suddenly all that we seem to hear from too many people is defer, defer, rather than cooperate and work jointly to get to the bottom of it.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio [Ms. PRYCE].

Ms. PRYCE of Ohio. I thank the gentleman for yielding this time to me.

Mr. Speaker, it is with no joy that I rise in support of the Istook resolution. There is nothing more painful than drawing attention to, putting the spotlight on, or casting a bad light on this honorable House—nothing more painful except perhaps allowing our wounds to fester in the minds of the public to the point that this body begins to decay. And that is what is happening.

This venerable institution has been reduced by scandal after scandal like a body being consumed by disease. As a former judge, I often noted that our

laws were only as strong as the respect we had for them—that when that element of respect for law was gone, we would be reduced to anarchy—because when there is no respect, there is no law—only print on paper.

And so we must stop the decay and begin the healing process. We have been armed with the public trust and have betrayed that trust—not because of allegations that so-and-so did such and such, but because we have stood idly by and done nothing when these allegations are being made. Nothing to keep the respect that, as the law-makers, only we can be the stewards of. The administration can't make the public trust and respect us. The judiciary can't make the public trust and respect us. Only we can do that; and I respectfully suggest that we have fallen woefully short of that important calling.

Very candidly—we have a PR problem—one that filters down and affects the very fiber of society. It is not only hurting us, but hurting every citizen in this great country—every child growing up with no respect for the law because he has no respect for the law-makers, every kid in school bombarded by one political scandal after another after another.

Now we have an opportunity to begin to recapture what has been lost. The ethics committee should do its job. This is a problem in the U.S. House of Representatives—but this House has turned a blind eye for over 2 years. The public has not. Let us seize the moment, make up for lost time, and get on with doing what's right.

I urge support of the Istook resolution.

Mr. GEPHARDT. Mr. Speaker, at this time I yield 3 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. I thank the majority leader for yielding this time to me.

Mr. Speaker, I rise perhaps to offer the experiences of one who has not been on the ethics committee but who has chaired a subcommittee which has had jurisdiction for 4 years, all during a Republican administration, that of President Bush, on sensitive matters and sensitive criminal investigations.

Mr. Speaker, a previous speaker spoke of not wanting the ethics committee to punt, he said you should not punt. Well, Mr. Speaker, this is not punting. The job is being done. It is the issue of whether or not one fumbles the ball, and what the U.S. attorney is asking is that the ball not be fumbled.

□ 1840

But in my experience, Mr. Speaker, I chaired the Subcommittee on Information, Justice, Transportation, and Agriculture of the full Committee on Government Operations for 4 years all during the tenure of President Bush, and in that time we had a number of investigations ongoing involving criminal

matters, involving handling of criminal matters by the Department of Justice, involving fairly sensitive areas. Repeatedly we were confronted with the U.S. attorney, or his representative, or the Attorney General, in some cases asking us not to hold a hearing, not to continue an investigation, certainly not in public session, because of an ongoing criminal investigation, an ongoing criminal investigation.

Mr. Speaker, this was true in the PanAm bombing over Lockerbie, Scotland, on a specific matter we were looking into. It was true for several drug related matters that our subcommittee was looking into. Yes, it was frustrating to be confronted with this, but when faced with this, Mr. Speaker, every time we withdrew and said because of an ongoing and criminal investigation we will not endanger that.

A previous speaker also asked, "Well, what will Americans think?"

Well, my question is:

What will Americans think to find out that the Congress disregarded a request from the U.S. attorney who was handling an ongoing criminal investigation, not only a request from the present U.S. attorney who is handling it and appointed by a Democrat administration, but a request that was initiated by a Republican appointee and then was continued by the interim appointee and now by the present holder of that position? And so I would ask what will Americans think if the Congress disregards this language in this letter of February 23, 1994, from U.S. Attorney Eric Holder to the Speaker and to the gentleman from Illinois [Mr. MICHEL] when he writes:

Like my two immediate predecessors as United States Attorney for this District, Jay B. Stephens and J. Ramsey Johnson, I urge the House to refrain from such actions. * * *

And then in his concluding remarks when he writes:

For these reasons, it has been the consistent position of this Office, throughout the life of the investigation, that the House should defer its own inquiries until the grand jury investigation is completed.

Nothing in the resolution that has passed or in the actions that are taken suggests that the Committee on Standards of Official Conduct is going to avoid its responsibility, but it is just saying the process is in motion. The key is not to fumble the ball, and since there is an ongoing criminal investigation, Mr. Speaker, we should honor that request as we have always done in this body.

Mr. ISTOOK. Mr. Speaker, I would remind the Members of this body that every act which we are seeking to have investigated in this matter occurred within the walls of this House of Representatives, not in Scotland or any place else. We are seeking to have an investigation of what happened internally within this body.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Speaker, how very far over the years the reputation of the Congress of the United States has fallen in the eyes of the American people. How sad that an institution that once the people trusted to do the right thing has allowed itself, through its own actions and inactions, to fall so far in the esteem of the people. Tonight we have an opportunity to take a little tiny baby step toward clearing the cloud which has been hanging over the Congress since the post office scandal came to light. We have an opportunity to prove to the American people that the Congress can police its own and can take a principled stand for its own institutional integrity. We have the opportunity to demonstrate that Congress does have some self-respect left.

I say to my colleagues, do not throw away this opportunity, for if we do by opposing the Istook resolution, we will further damage this great institution bequeathed to us by our Founders. The gentleman from Oklahoma [Mr. ISTOOK] makes an honest effort to do the right thing by directing the Committee on Standards of Official Conduct to investigate this public blight on our institution, and now he has to contend with a last minute resolution from the leadership designed to give political cover via a hastily drafted letter from the U.S. attorney.

I urge my colleagues, especially my fellow freshman Members of this House, not to be part of this shell game. Do not let the leadership succeed in this sleight of hand. There have been plenty of concurrent investigations in the past, but now, all of a sudden, it is taboo for the House to investigate its own. Many of my fellow freshmen ran for Congress in the midst of the House banking scandal and won in part because of it. Well, if we run the reel back a few years and had this same debate, it is very likely the bank scandal would never have been exposed to the public.

I say to my colleagues, don't protect the status quo. Vote to pass the Istook resolution. You'll feel better looking in the mirror tomorrow morning.

Mr. GEPHARDT. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, Congress should not obstruct justice. On July 22, 1993, we joined in this very debate. When, at the request of a gentleman named Ramsey Johnson who was appointed as chief prosecutor by a Republican Virginia gentleman named Jay Stephens who was the U.S. attorney for the previous administration, the House decided to honor the Justice Department's request and not interfere in the House Post Office investigation. I stood before this house that day and said, " * * * we ought not interfere." Today,

and I say again, we ought to honor the U.S. attorney's request and, "*** we ought not interfere." Nothing has changed.

I would like to take a moment to remind my colleagues about a famous example of what happens when Congress interferes with a Justice Department investigation.

When Oliver North was subpoenaed to appear before Congress, he used the fifth amendment to claim that he could not testify on the grounds that anything he said may be used to incriminate him in a court of law. Congress then granted him use immunity.

Many observed that Ollie North in his testimony before Congress admitted to obstruction of justice (18 U.S.C. section 1505), illegal gratuities under a section of the bribery laws (18 U.S.C. 201), and destruction and mutilation of government documents (18 U.S.C. 2071); in other words, he admitted to three felonies during the course of his congressional testimony.

When the case finally came up before the U.S. Court of Appeals, one of the charges was thrown out immediately and the other two felonies were thrown out on what amounted to a technicality under the fifth amendment. Because Congress, with the exception of Messrs. STOKES, HYDE, BROOKS, and Rodino, had granted Ollie North use immunity, and because the hearings were televised, the result was as the National Law Journal headline from December 2, 1991, stated, "Use Immunity" now means "Total Immunity." And, Ollie North, a man who was indicted on 21 accounts and convicted of 3 felonies, went free.

Prosecutor Walsh was then asked by the Court to prove that the witnesses were not influenced by the televised testimony before the congressional committee, a task that proved to be impossible.

Now, Members of Congress may think that our testimony before a congressional committee would be protected by speech and debate privileges.

But, I want to point out that there are currently cases pending decisions by the U.S. Court of Appeals that could very well end the protection of speech and debate privileges for this kind of testimony.

What does that mean?

It means that a Member of Congress might have to claim the fifth amendment to protect him or herself from self-incrimination and, that means that Congress might find it necessary to grant "use immunity" to encourage testimony. And, that means we could set ourselves up for another Ollie North type situation where justice is obstructed and the convicted goes free.

Mr. Speaker, the public has a right to demand answers and the public has a right to demand justice.

The Congress does not have a right to stand in the American public's way and

obstruct justice. If we do not honor the Justice Department's request to let it conduct this investigation, which I remind my colleagues is in its final stages, we as a Congress will be obstructing the justice that Americans are demanding, and that is not why we were elected to the House, to say the least.

Please defeat this inappropriate resolution and let the process of obtaining justice proceed to a conclusion. The House will clearly act once the prosecutor has concluded his or her work.

I might add that the situation that applies to our Republican colleague, the gentleman from Pennsylvania [Mr. MCDADE], is exactly the same that applies to those on this side of the aisle. We ought to reserve judgment despite our frustration and any impatience we may individually feel. Let the process of justice in the judicial branch run to completion, and then we will judge our colleagues, as we are required to, to the degree that we believe a report, let alone any indictment, requires us to act.

□ 1850

This is not an attempt to obfuscate or avoid our responsibility. But I think what we have on the floor today is to take partisan advantage, when in fact the problem we face is bipartisan in nature.

It is a sad day that the House must debate an issue that is, I think in the Ollie North instance, so clearly it is to our advantage to put aside until the judicial branch handles the problem, as inevitably they will complete their task.

So, Mr. Speaker, I think the majority leader's resolution appropriately speaks to the issues of concern to the Members. I regret Mr. ISTOOK takes an unfair political opportunity. It ought to be defeated.

Mr. ISTOOK. Mr. Speaker, I am sure the gentleman from California will be relieved to know that the principal witness in this matter, Mr. Rota, has already been granted immunity by the Justice Department from any further prosecution for any other acts that he may have committed during his 20 years as Postmaster. It is in paragraph 8 of his plea agreement on file at the Federal courthouse.

I yield such time as he may consume to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Speaker, I rise in support of House Resolution 238. I remind my colleagues that an independent autonomous congressional inspector general would have completed his investigation by now, would have helped us live up to our constitutional responsibility to discipline our own Members, and would have removed the political cloud surrounding this scandal from this House for 2 years.

Mr. Speaker, I rise in strong support of House Resolution 238. I would think that every

Member of this body has learned that the American people want representatives in the U.S. Congress that will act responsibly and with accountability. The responsible action today will be to support this resolution.

For over 2 years, I have advocated the creation of an independent office of congressional inspector general. Such offices exist in the executive branch. An independent IG could have helped this institution avoid the tragic embarrassment of the post office scandal and even the need for this debate today. Had an independent IG existed, a prompt investigation would have been completed, appropriate action taken, years of delay and political maneuvering avoided. This lingering cloud of uncertainty can't be removed by the IG that exists within the House today, because he is virtually powerless in these situations.

We have a continuing responsibility to run the people's House in a manner that is not only efficient and effective, but also above ethical approach. After 2 years, I believe that it is time that the House of Representatives determine if there is any truth to the allegations of criminal activity and other wrongdoings at the House post office. Similar allegation in the executive branch would have dealt with openly, completely and independently a long time ago.

And, today, instead of consuming valuable time on debating this resolution, we could be concentrating on those issues that are important to Americans outside the beltway—crime, education, welfare, and health care. But the House leadership has failed to empower the existing IG to work independently, has failed to give him proper authority to conduct investigations into matters such as this, and regrettably has failed to take politics out of the investigation and our handling of this matter.

Since the power of the House IG is limited, we must find other ways to ensure that all members of this body are held to the moral and ethical standards that have been set. The House of Representatives constitutionally has the authority to discipline its Members. And I think that we should use this authority and not defer to the Department of Justice. It is our job, not theirs. Justice has had ample time to act on the criminal allegations and has not. It's time we did.

It should also be emphasized that concurrent investigations by Justice and the House have occurred in the past with regard to the House bank, Silverado Savings & Loan, the Packwood diaries, the Keating affair, and other matters. Last, the measure that we are debating today provides for the Ethics Committee to defer its investigation if it is found that their investigation would jeopardize the one being conducted by Justice.

It is my hope that the ethics committee investigation will finally allow us to end this ongoing debate regarding the House post office scandal. At the same time, we need to also solve the problem that caused the scandal in the first place—lack of proper oversight. We must amend the rules of the House and create a position of inspector general that would be autonomous and independent in nature.

Mr. ISTOOK. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I rise today to speak in support of the Istook

resolution regarding the investigation into the House Post Office scandal. And I commend my colleague from Oklahoma for his perseverance in this matter.

For too long, this House has ignored its constitutional responsibility to investigate allegations of conduct by its Members. In the case of the House Post Office, evidence of inappropriate conduct is far greater than any reasonable threshold for investigation. We all remember, with great regret, that the former House Postmaster has already pled guilty to Federal criminal charges as a result of this scandal.

Nonetheless, the House seems content to turn a blind eye to this scandal. It reminds me of the line from George Orwell's "Animal Farm": all Members of this House are supposed to be equal, but some are more equal than others, and Members of the House are more equal than the average American.

Congress does a disservice to itself and the American people when it abdicates its responsibilities in this way. While it is always painful to have to investigate allegations of wrongdoing by a Member of this House, that pain is small compared to the damage that is done when our relationship with the people we are elected to represent is weakened.

There is a critical democratic principle that has to be reaffirmed—that no man or woman in this country is ever above the law, ever able to avoid the day of reckoning for his or her actions simply because of the position he or she holds.

If you believe we should abide by the Constitution, do the will of the people, and do what is right, vote for the Istook amendment.

Mr. ISTOOK. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I rise in support of the Istook resolution. In September of 1992, by unanimous vote, this Congress expressed a desire to investigate the possible wrongdoing by Members of this institution in relation to the so-called post office scandal. In the months since that initial action, the Committee on Ethics of the House of Representatives has deferred to the Justice Department on this matter. But it is distressing to me that in the 1½ years since the disclosure of this scandal, only House post office employees have been brought to justice to their misdeeds.

Former House Postmaster Bob Rota has lost his job and has recently plea bargained before a court of law. Eight other post office employees have lost their jobs and been dealt with harshly by the court system.

It just does not make sense that the only individuals who have not yet been brought to account in this sad episode are the several Members of Congress who both precipitated and benefited

from this inappropriate and illegal activity.

Obviously, simple justice is not so simple when it comes to the powerful in our society. It has been 1½ years. Congress has, by tradition, been silent on this issue. It is time for this institution to break the code of silence by calling for an internal investigation of this matter.

The Istook resolution instructs the Committee on Ethics to cooperate with the Justice Department on this matter and to assure the successful completion of that Justice Department investigation.

I believe that by voting for the Istook resolution, we are simply saying let justice be done.

The SPEAKER pro tempore. The gentleman from Oklahoma has 14 minutes remaining, and the majority leader has 12 minutes remaining.

Mr. ISTOOK. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. I want to thank the gentleman from Oklahoma for yielding, and want to congratulate the gentleman for his persistence in bringing this issue to the floor. For 6 months now this issue has been under discussion. The gentleman from Oklahoma has worked with a number of Members trying to bring this to a successful conclusion in a bipartisan way. Unfortunately, that has not happened.

Many of us think that this post office problem is a problem that is a year old, 2 years old. Well, it is not. The problems in the House post office go back to 1979, when a former employee in the post office went to law enforcement officials and admitted there was a cash for stamps scheme underway. At that time it was covered up and it went away.

But the Democrat leadership of the House that ran the post office knew about it. Yet the problems persisted in the post office. Again, in the mid-eighties, this problem came up once again, and law enforcement officials began to do an investigation. Nothing came of it. It went away because it was hushed up and covered up again.

This problem has been going on long before 20 months. It goes back about 3 years ago when the leadership of this House understood the problems, the serious problems, that were underway in the House post office.

Should it surprise any of us that we sit here tonight, not willing to take a look at it, not willing to pursue this? No, it should not. And I say to all of you, there is another point that should be made. We as Members of Congress are charged under the Constitution with holding ourselves to a higher standard, a higher standard than criminal conduct. We are charged with holding ourselves to a standard that is anything that would be unbecoming of a Member of Congress. It is our sacred

responsibility under the Constitution for us to hold ourselves and our colleagues to that standard to benefit this institution. And once again, it saddens me that tonight we are about to abdicate that responsibility.

□ 1900

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I thank the majority leader for yielding.

Mr. Speaker, I take this time to talk about one of the points raised by the gentleman from Oklahoma [Mr. ISTOOK]. I tried to get him to yield, and he would not. The gentleman from Oklahoma is indicating since Mr. Rota has been given use immunity, that we could at least start to pursue an inquiry of Mr. Rota.

Mr. Speaker, the truth is that the plea agreement entered into by Mr. Rota indicates that he will provide such information whenever and in whatever form the U.S. attorney's office shall reasonably request. The U.S. attorney's office is not going to let Mr. Rota testify with immunity before the Ethics Committee. We will have to grant immunity if we want him to testify.

Twenty-six times during Irangate Congress granted use immunity. If we grant use immunity, then the prosecutor, the U.S. attorney, must prove that any information that was obtained through the testimony of Mr. Rota was not used in bringing the criminal charges. It is an impossible burden.

One thing we know about the Istook resolution, it requests the Ethics Commission to do something that the U.S. attorney's office says will severely risk the integrity of the criminal investigation.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I want to thank the majority leader for yielding me time.

Mr. Speaker, let me, if I might, give a perspective from somebody who worked for 10 years in the vineyards handling grand juries and criminal cases, some rather complex criminal cases. Mr. Speaker, I really do not understand a lot of things. I do understand the frustration, because it does seem like an inordinate amount of time has been taken with this investigation, but we have had three U.S. attorneys, one appointed by a Republican, one appointed by a judge, and now a Democratic U.S. attorney who has all the credentials that would ensure that we are going to have a complete investigation, so nobody could suggest that it is being dragged out because of political reasons. That is ridiculous. It is nonsense. The Members know that.

One of the reasons why the U.S. attorney, three U.S. attorneys, believe

that we should defer to them is because we could mess up, we could mess up, once again, an ongoing criminal investigation. I do not care how we couch it, that is exactly what the U.S. attorney has done.

One of the things that I am sure the U.S. attorney does not want to do at this point is, he does not want to identify targets of the investigation, because they are now interviewing witnesses, they have granted immunity at this point beyond what has already been testified, to Rota. He has already pleaded guilty, and they are going to have to grant other immunity, I would assume, to complete the investigation.

We have to assume that one of the reasons why they have not completed the investigation is because they have not identified, because of the complexity of the investigation, all the targets. There are subjects of the investigation that may move over to targets of the investigation. The U.S. attorney, as my colleague, the gentleman from Maryland, has just indicated, is not going to permit the use of use immunity, and we know that, for the simple reason he does not want to compromise this investigation.

Are the Members going to assume the responsibility for those that walk because of what we do at this point in interfering with an ongoing criminal investigation? I do not think so. I think our constituents back home are going to hold us accountable if anybody walks out of this ongoing investigation.

That is the problem. The Members do not want to assume that responsibility, but they want to move ahead at this point, and when the U.S. attorney says he is in the final stages of his investigation, I can think of probably half a dozen reasons why he would not want to identify certain subjects or targets at this point.

I say to my colleagues, come on. Let us use some common sense. Put the politics aside. I understand that is has some sex appeal, but Members are politicizing the Committee on Standards of Official Conduct, No. 1, and No. 2, we are jeopardizing a possible criminal investigation. Do not do it. Reject the Istook resolution.

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I must confess I am at a loss to understand how an investigation that is supposedly in the final stages is one which still has failed to identify all the targets of the investigation. I think part of the problem is that we assume, rather than trying to find out, rather than trying to create a mechanism of cooperation, which is what we expect in all other aspects. I would not wish to assume that the Ethics Committee nor this body is so incompetent that it would somehow mess things up, rather than cooperate.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Speaker, 80 percent of the American people no longer trust the work that goes on in this House. It is the responsibility of this House to monitor the actions of its Members, to monitor the actions of its different functions. I am personally saddened that many here do not see a problem or do not perceive a need to enhance our reputation, no, not to enhance our performance as perceived by the American people.

The American people are demanding more. Today we have an opportunity to deal with substance, to strive for excellence. I hope that that is the course we choose, to aggressively pursue excellence in our conduct.

Mr. Speaker, I hear that we have never done it this way before. Maybe it is about time that we do something differently, because what we have been doing has not been good enough. Mr. Speaker, I hear charges that we are on a partisan crusade. We asked for a generic investigation. Our colleagues on the other side of the aisle are the only ones that have mentioned Members names by name.

I am sorry that the gentleman from Oklahoma [Mr. ISTOOK] is impatient, that he believes that it is taking too long, but I am delighted that it appears that the gentleman from Oklahoma is the only one that had the courage to recognize that that is what the American people are demanding, that the American people are impatient, that they want us to deal with this issue and they want action now.

Tonight we have the opportunity to demonstrate that we will address the questions of conduct in this House, that we will move forward and will resolve the issue.

Mr. ISTOOK. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, the gentleman from Ohio said it was the job of the Committee on Standards of Official Conduct not to punt the ball. Another gentleman gave a retort that said the issue is not to fumble the ball. What we are trying to say, Mr. Speaker, it does not matter if you fumble the ball when there is only one team that is carrying the ball, and that is the majority party.

Mr. Speaker, I would like to take a look at the public trust. In the 102d Congress our freshman class speaker pursued, with the Gang of 7, the House Bank scandal. Why? Because the Majority, just like it is doing now, is attempting to prevent disclosure.

The next battle they took up is with the House Post Office. Why? Because by name, we had an alleged violator who was taking stamps or campaign funds, turning them in for stamps, and

then at a later date had a sweetheart deal and was cashing those stamps in and putting the money in his pocket. We did not know that the House Post Office was dealing cocaine at the time.

Why not the will of the people? The Attorney General fired the D.A. that was investigating this case. Then we take a look and they appointed their own, an administration D.A. That D.A. says, "Don't get involved. We want to do it." That was done by a letter last July. A partisan vote prevented disclosure last July, just like it has a minute ago with the Gephardt resolution.

Two and one-half years, we have known some of the perpetrators, at least the alleged perpetrators, but they have not come forward. We have been very careful on this side not to mention any names, to keep this in a partisan manner, but that was violated, so let us take a look.

This weekend the President put his arm around the prime suspect in the investigation and endorsed him in a primary. What message does that send to the District Attorney? What message does that send, when the prime suspect in the Post Office investigation meets with the President discussing a crime bill?

The gentleman from California [Mr. FAZIO] says there is no partisanship in this. Is there any doubt, Mr. Speaker, that the gentleman from California brought up a senatorial candidate's name as a target?

Mr. ISTOOK. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I love this institution, and I am very grateful to serve here, but I am ashamed it has taken so long to address the post office scandal. This scandal has festered for nearly 3 years, and we have allowed it to happen.

We're told the U.S. attorney does not want the House to conduct an investigation. What prosecutor wants to encourage another investigation? I have never met one who does.

The Justice Department is looking at a criminal investigation, but we are talking about alleged serious violations of House rules. We are talking about House ethics. This is our jurisdiction and we must act.

Mr. Speaker, we're told the Committee on Standards of Official Conduct has not acted because no one has brought forth a complaint. If the Committee continues to take no action and no one else brings a complaint, I will.

Mr. ISTOOK. Mr. Speaker, I reserve the balance of my time.

□ 1910

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to say to my colleague, the gentleman from Oklahoma, if I can get his attention, the gentleman from Oklahoma, I do not know how many matters you presented over the years to a grand jury, but I did it for 10 years. I can tell the gentleman there are lots of reasons why I would not want to identify as a prosecutor the subjects or targets of the investigation for a lot of reasons. When you have not completed the investigations, sometimes subjects automatically become targets as you get more information, and you would not want that disclosed, because you are trying to force others to turn state's evidence, as Mr. Rota has done, after he pleaded guilty.

I want to say to my colleague, if you want to talk about partisan politics, if I were interested in protecting a Democrat, do you know what I would do? If I were interested in protecting a Democrat who is a target of an investigation, I would do precisely what you are trying to do, because that would be the way to compromise a criminal investigation and have him walk. I cannot believe you want to do that.

I want to say to my colleague, the gentleman from Connecticut [Mr. SHAYS], for whom I have a lot of regard, that I want to tell you I am proud of the House of Representatives. I am proud in this instance, because they are doing the right thing, and I think doing the right thing is good politics in the long pull, and frankly, I think you are going to find that out, too.

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate always advice to do the right thing, which is why we have brought this resolution to the floor today.

Having myself been in charge of conducting investigations previously, I know the sensitivity, as do people on both sides of the aisle, which is why we have always emphasized the need for the executive and legislative branches to cooperate rather than one telling the other just to butt out of an investigation.

We have mutual obligations. They should be mutually pursued.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to commend him for the courage he has shown in coming to the House floor with this resolution. He has had lined up against him committee chairmen, majority leaders, all kinds of folks who do not want him to proceed ahead. I think this debate has been healthy for the House because it has focused on an issue that I think the American people want us to bring to a head in the Congress.

It has surprised me as I have listened to the debate here this evening how

weak a foundation the opposition to the resolution offered by the gentleman from Oklahoma [Mr. ISTOOK] builds their case upon. Let me just read from the Istook resolution, because evidently most people have not read it. Anyone who suggests that somehow the Istook resolution will result in interference with a criminal investigation has not read the Istook resolution. The Istook resolution makes it very clear, and let me quote directly from it:

Further resolved the Committee on Standards of Official Conduct shall coordinate its investigation with the related efforts of the Department of Justice so as not to jeopardize ongoing criminal investigations.

Specific to the Istook resolution is an understanding that the Committee on Standards of Official Conduct would do absolutely nothing, nothing to interfere with the criminal investigation, that all this resolution asks that committee to do is to make certain that those matters internal to the House are properly investigated.

There is a difference between our obligations and those obligations of the Justice Department. The Justice Department is concerned with criminal violations. The Justice Department is rightfully pursuing a case on criminal violations.

We have another duty. We have a duty to the House of Representatives and our own rules and code of conduct.

It would appear as though corrupt activities took place in an institution of this body. They were corrupt activities that had been testified to by an officer of this House. They are matters that can be pursued whether or not we interview principals in the case. Even that officer may not be necessary to interview to find out what has gone wrong in one of the institutions of this body.

It seems to me that we have an obligation to do those things, and not to do those things would be wrong.

Support the Istook resolution. Do the right thing.

Mr. GEPHARDT. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I heard the previous speaker, and it seems to me he is following the same reasoning of an old story. He says this will not interfere with the criminal investigation that is ongoing, initiated under the Bush administration by Bush appointees, continued in that same spirit by the current appointees. He says it will not interfere because it says it will not interfere.

But sometimes saying something does not accomplish it. There is a story about the old man who walked into a candy store and said, "Make me a malted." And the man behind the counter said, "Poof, you are a malted." But he was not a malted. And saying this does not interfere with the in-

vestigation will not make it not interfere with the investigation.

What this says here is here is how we will do an investigation, that we will say to Justice we want to investigate this. "Can we investigate this?" "No. You cannot investigate that. Investigate this instead. We will make it public what we are or are not investigating." They say you can do it without asking some of the serious witnesses. This is a recipe for the most inconsistent, poorly conducted, hodgepodge of a semi-investigation I have ever seen.

It is true that this is the procedure which brought freedom to Oliver North and John Poindexter. It was precisely because Congress followed this model that Oliver North's conviction and John Poindexter's conviction were overturned, and I can understand that since this led to their convictions being overturned, some people on the other side like the model. But I would have hoped that we would have learned that this is in fact a poor way to conduct an investigation.

The majority leader's resolution said we will defer until the criminal process has completed their investigation, and then we will investigate. There is nothing about that that implies covering up or holding back. It says you will allow a criminal investigation to go forward, and this suggestion here that the committee shall inform the Department of Justice regarding what it wants to investigate, if Justice then responds that a specific matter is material to or subject of an official investigation, the committee may defer.

Justice will be too busy dealing with the committee to go on with its investigation. It is not a serious effort to advance finding out what happened. It is a purely political gesture.

Mr. ISTOOK. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I would like to suggest to the Members of this Chamber that it can no longer be business as usual.

This afternoon we discussed H.R. 6. We discussed about the growing amount of crime in this country. We discussed about how we are going to instill ethical values in the students of this country.

It cannot be business as usual. We cannot simply continue to have the casualness of possible ethical violations of this Chamber.

We, as individuals and collectively, have lost the respect of the American people. I think it is important that we be aggressive, that we pass the Istook resolution as an effort to look out after our own, to start policing ourselves. We do not have control of the President and his influence over what happens in the judicial system. I think it is important, if we are going to be leaders in this country, that we be very

cognizant and aggressive in pursuing possible ethical violations of our Members.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, this is a target so rich with opportunity for partisanship and for posturing that it is something that simply cannot be resisted by some. To hear them, you would think that the House is trying to cover up.

Some coverup. It was a Republican Justice Department that first asked the House to refrain from interfering in this matter, and one does not cover up a problem by allowing the Justice Department, controlled by the other party, to work its will and investigate.

So why would anyone oppose this proposition that we are opposing? Because we believe the prosecutor.

I hear no charge that this prosecutor is not doing his job, and it is his job to investigate, and it is his job to prosecute.

□ 1920

He says the House can goof up his ability to get a conviction and carry out his responsibility. The resolution says "Coordinate with the ethics committee." What does that mean? And how do you coordinate with a prosecutor who does not want to coordinate and who is fact has made it explicitly clear that an effort to do so he believes will ruin the potential success of his effort? I think we should, in fact, listen carefully to the gentleman from Massachusetts [Mr. FRANK] and maybe we should call this the malted milk perspective.

The gentleman from Massachusetts told the old story about the man who walked into a shop and he said "Make me a malted." And he said "Poof, you are a malted." But the man did not become a malted. Very frankly, saying that this will not interfere will not make that so either. I suggest what we have here is the malted milk proposition and it should in fact be treated for the attractive, frothy serving of empty calories that, in truth, it is.

Mr. ISTOOK. Mr. Speaker, I am sure everyone acknowledges that just saying you are a malted does not make you one; an assertion by a U.S. Attorney that somehow you would interfere does not mean that you would. That is why we need the ethics committee to attempt to coordinate rather than say "Oh, you don't want us to do it? Fine, we won't." Boy, that is giving up very easily.

I would inquire about the remaining time, Mr. Speaker.

The SPEAKER pro tempore (Mr. HOYER). The gentleman from Oklahoma has 3 1/4 minutes, and the gentleman from Missouri [Mr. GEPHARDT] has 2 minutes remaining.

Mr. ISTOOK. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. I thank the gentleman for yielding this time.

I think one thing missing in this discussion is what the American people want. I am here to say, at least from my standpoint, what I think they might be saying to us. First, that these Members of Congress are sitting up there and distinguishing between this and that and the Attorney General and the prosecutor and legal matters and criminal matters, when all they are trying to do is to have special treatment for special people.

I think we have a problem with the American people in that we have a very powerful Member or Members who might be involved in this. That divides us from them, in their minds, and I think the only thing that we have to do is say "What do the people at the ground level want?" And discuss that. All of these other arguments are filled with persuasion and they make sense when you look at it from up here and we sit and we talk back and forth, and we can talk about malted milk and other things and jurisdiction and so forth, but the American people need to be heard, and we need to let them be heard with this vote so that we can have this investigation and show them that they are a part of this process.

Mr. GEPHARDT. Mr. Speaker, I yield the balance of our time to the chairman of the Committee on Standards of Official Conduct, the gentleman from Washington [Mr. McDERMOTT].

Mr. McDERMOTT. I thank the majority leader for yielding this time to me.

As I alluded to in the earlier discussion, I am very troubled to find the ethics committee in the midst of a partisan debate, especially when the debate centers on how the committee should conduct its daily business.

I trust those who are bringing us here this afternoon have a sensible reason for doing so. I have searched in vain for the argument that will illuminate the question of why this matter should be considered apart from others like it that, unfortunately, come before the committee.

I wonder if many still understand the tradition and precedent that must guide our actions, not just because they are old, but because they are proven guides to sound government and wise decision.

As far as I can determine this House has never before provided detailed guidance on the specifics of a committee inquiry nor directed it to consult with particular individuals. The House has wisely not seen fit to run the ethics committee from the floor by way of privileged resolutions.

I want to say one thing out here: I cannot imagine the next meeting of the ethics committee after this debate—and I want to say something on behalf of Mr. GOSS, Mr. BUNNING, Mr. SCHIFF, Mr. HOBSON, Mr. GRANDY, Mrs. JOHNSON

of Connecticut, and Mr. KYL: They are fine Members of this House. They have discharged their responsibility to this House. And for anybody on this side of the aisle to imply for 1 minute that they have stonewalled, covered up or anything else is absolutely untrue.

Now when we go beyond this point you are going to have one resolution after another saying "Well, did they subpoena the right person? Let us bring up a privileged resolution out and we will subpoena the person." Or "Did they get the right document? Well, we will have a resolution on the floor about should the committee investigate this document? Should they look at this document?"

That is what you are precipitating by this kind of action.

The committee has acted; seven members of the Republican side have been absolutely forthright in following their oath in this office. For anybody to imply otherwise is absolutely unfair.

Mr. ISTOOK. Mr. Speaker, every Member of this body took the same oath, every one of us, not just those who are on the ethics committee, regarding upholding the Constitution of the United States, which includes in article I, section 5, the obligation that we police the behavior of our Members, discipline if necessary, expel if necessary, but every single one of us has the obligation.

And although we have an ethics committee assist us in discharging those obligations, it belongs to each one of us to act and take seriously that responsibility, not to pass the buck to the ethics committee, not to pass the buck to the U.S. attorney, but to stand up for the standards that the American people have every right to expect of us.

And they have a right to expect that Members of Congress will not embezzle from the taxpayers, that Members of Congress will not be the only ones to escape indictment no matter how smoking the gun may have been laid down as has been done almost 8 months ago. They have every right to expect that since we believe in reasoning, that that extends to cooperation with all aspects of the executive branch, including the Justice Department, including finding a way to work together to cooperate on an internal probe for embezzlement that happened within the walls of this Congress by Members, according to the testimony and the proffer of proof by Mr. Rota. We are not investigating something that happened elsewhere.

We have an obligation to look at what happened internally. And the U.S. attorney would cooperate with any private business that had to clean up a problem of internal embezzlement and they should cooperate with us as well.

Do not give a veto to a prosecutor just to sign a letter saying, "Let me do my job by myself." Let us uphold our job under the U.S. Constitution, uphold

the oath that each one of us took, saying to the ethics committee, "You are doing a job for us. We expect you to find a way to cooperate rather than caving in and giving up."

I thank the Speaker, and I urge adoption of the resolution.

The SPEAKER pro tempore (Mr. HOYER). The question is on the resolution offered by the gentleman from Oklahoma [Mr. ISTOOK].

MOTION TO TABLE OFFERED BY MR. GEPHARDT

Mr. GEPHARDT. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ISTOOK. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 238, nays 186, not voting 9, as follows:

[Roll No. 37]

YEAS—238

Abercrombie	Dingell	Kennelly
Ackerman	Dixon	Kildee
Andrews (ME)	Dooley	King
Andrews (NJ)	Durbin	Kiecicka
Applegate	Edwards (CA)	Klein
Bacchus (FL)	Edwards (TX)	Klink
Baessler	Engel	Kopetski
Barca	English	Kreidler
Barcia	Eshoo	LaFalce
Barlow	Evans	Lambert
Barrett (WI)	Farr	Lancaster
Becerra	Fazio	Lantos
Bellenson	Fields (LA)	LaRocca
Berman	Filner	Laughlin
Bevill	Fingerhut	Lehman
Bilbray	Flake	Levin
Bishop	Foglietta	Lewis (GA)
Blackwell	Ford (MI)	Lipinski
Bonior	Ford (TN)	Lloyd
Borski	Frank (MA)	Long
Boucher	Frost	Lowey
Brewster	Furse	Maloney
Brooks	Gejdenson	Mann
Browder	Gephardt	Manton
Brown (CA)	Geren	Markley
Brown (FL)	Gibbons	Martinez
Brown (OH)	Glickman	Matsui
Bryant	Gonzalez	McCloskey
Cantwell	Gordon	McCurdy
Cardin	Green	McDermott
Carr	Gutierrez	McHale
Chapman	Hall (OH)	McKinney
Clay	Hamburg	McNulty
Clayton	Harman	Meehan
Clement	Hayes	Meek
Clyburn	Hefner	Menendez
Coleman	Hilliard	Mfume
Collins (MI)	Hinchey	Miller (CA)
Condit	Hoagland	Mineta
Conyers	Hochbrueckner	Minge
Coppersmith	Holden	Mink
Costello	Houghton	Moakley
Coyne	Hoyer	Mollohan
Cramer	Hughes	Montgomery
Danner	Inslee	Moran
Darden	Jefferson	Murphy
DeFazio	Johnson (SD)	Murtha
DeLauro	Johnson, E. B.	Nadler
Dellums	Johnston	Natcher
Derrick	Kanjorski	Neal (MA)
Deutsch	Kaptur	Neal (NC)
Dicks	Kennedy	Oberstar

Obey	Sanders	Tejeda
Oliver	Sangmeister	Thompson
Ortiz	Sarpalius	Thornton
Orton	Sawyer	Thurman
Owens	Schenck	Torres
Pallone	Schroeder	Torricelli
Pastor	Schumer	Towns
Payne (NJ)	Scott	Trafigant
Payne (VA)	Serrano	Tucker
Pelosi	Sharp	Unsoeld
Peterson (FL)	Shepherd	Valentine
Pickett	Sisisky	Velazquez
Pickle	Skaggs	Vento
Pomeroy	Skelton	Visclosky
Poshard	Slattery	Volkmer
Price (NC)	Slaughter	Waters
Rahall	Smith (IA)	Watt
Rangel	Spratt	Waxman
Reed	Stark	Wheat
Reynolds	Stokes	Whitten
Richardson	Strickland	Williams
Roemer	Studds	Wilson
Rose	Stupak	Wise
Rostenkowski	Swift	Woolsey
Rowland	Synar	Wyden
Roybal-Allard	Tanner	Wynn
Rush	Tauzin	
Sabo	Taylor (MS)	

NAYS—186

Allard	Goodling	Myers
Archer	Goss	Nussle
Armey	Grams	Oxley
Bachus (AL)	Grandy	Packard
Baker (CA)	Greenwood	Parker
Baker (LA)	Gunderson	Paxon
Ballenger	Hall (TX)	Penny
Barrett (NE)	Hamilton	Peterson (MN)
Bartlett	Hancock	Petri
Barton	Hansen	Pombo
Bateman	Hastert	Porter
Bentley	Hefley	Portman
Bereuter	Heger	Pryce (OH)
Billirakis	Hobson	Quillen
Bliley	Hoekstra	Quinn
Blute	Hoke	Ramstad
Boehert	Horn	Ravenel
Boehner	Huffington	Regula
Bonilla	Hunter	Ridge
Bunning	Hutchinson	Roberts
Burton	Hutto	Rogers
Buyer	Hyde	Rohrabacher
Byrne	Inglis	Ros-Lehtinen
Callahan	Inhofe	Roth
Calvert	Istook	Roukema
Camp	Jacobs	Royce
Canady	Johnson (CT)	Santorum
Castle	Johnson (GA)	Saxton
Clinger	Johnson, Sam	Schaefer
Coble	Kasich	Sensenbrenner
Collins (GA)	Kim	Shaw
Combest	Kingston	Shays
Cooper	Klug	Shuster
Cox	Knollenberg	Skeen
Crane	Kolbe	Smith (MI)
Crapo	Kyl	Smith (NJ)
Cunningham	Lazio	Smith (OR)
Deal	Leach	Smith (TX)
DeLay	Levy	Snowe
Diaz-Balart	Lewis (CA)	Solomon
Dickey	Lewis (FL)	Spence
Doolittle	Lightfoot	Stearns
Dornan	Linder	Stenholm
Dreier	Livingston	Stump
Duncan	Machtley	Sundquist
Dunn	Manzullo	Swett
Ehlers	Mangolies	Talent
Emerson	Mezvisinsky	Taylor (NC)
Everett	Mazzoli	Thomas (CA)
Ewing	McCandless	Thomas (WY)
Fawell	McCollum	Torkildsen
Fields (TX)	McCrery	Upton
Fish	McHugh	Vucanovich
Fowler	McInnis	Walker
Franks (CT)	McKeon	Walsh
Franks (NJ)	McMillan	Weldon
Gallagher	Meyers	Wolf
Gekas	Mica	Young (AK)
Gilchrist	Michel	Young (FL)
Gillmor	Miller (FL)	Zeliff
Gilman	Molinari	Zimmer
Gingrich	Moorhead	
Goodlatte	Morella	

NOT VOTING—9

Andrews (TX)	Gallo	Schiff
Collins (IL)	Hastings	Washington
de la Garza	McDade	Yates

□ 1956

The Clerk announced the following pairs:

On this vote:

Mrs. Collins of Illinois for, with Mr. Gallo against.

Mr. Yates for, with Mr. Schiff against.

Mr. WALSH and Mr. McINNIS changed their vote from "aye" to "no."

Mr. BERMAN and Mr. COYNE changed their vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE HONORABLE E (KIKI) DE LA GARZA, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. ROEMER) laid before the House the following communication from the Honorable E (KIKI) DE LA GARZA, a Member of Congress:

HOUSE OF REPRESENTATIVES,

COMMITTEE ON AGRICULTURE,

Washington, DC, February 28, 1994.

Hon. THOMAS S. FOLEY,

Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my Committee staff has been served with a subpoena issued by the Superior Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

E (KIKI) DE LA GARZA,
Chairman.

COMMUNICATION FROM THE HONORABLE DAN ROSTENKOWSKI

The SPEAKER pro tempore laid before the House the following communication from the Honorable DAN ROSTENKOWSKI, a Member of Congress:

CONGRESS OF THE UNITED STATES,

HOUSE OF REPRESENTATIVES,

Washington, DC, March 1, 1994.

Hon. THOMAS S. FOLEY,

Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L (50) of the Rules of the House, that the Custodian of Records of my office has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges of the House.

Sincerely yours,

DAN ROSTENKOWSKI,
Chairman.

ANNUAL REPORT OF THE DEPARTMENT OF TRANSPORTATION, FISCAL YEAR 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce, the Committee on Public Works and Transportation, and the Committee on Merchant Marine and Fisheries:

To the Congress of the United States:

In accordance with section 308 of Public Law 97-449 (49 U.S.C. 308(a)), I transmit herewith the Twenty-sixth Annual Report of the Department of Transportation, which covers fiscal year 1992.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 2, 1994.

FIFTH BIENNIAL REPORT OF THE INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science, Space, and Technology:

To the Congress of the United States:

Pursuant to the provisions of section 108(b) of Public Law 98-373 (15 U.S.C. 4107(b)), I transmit herewith the Fifth Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 1992, to January 31, 1994).

WILLIAM G. CLINTON.

THE WHITE HOUSE, March 2, 1994.

A CHALLENGE TO THE ROHRBACHER AMENDMENT ON H.R. 6

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. GENE GREEN of Texas. Mr. Speaker, first I would like to ask the Members to join with me and the Texas delegation today to celebrate Texas Independence Day. March 2, 1836, was the day Texas declared its independence. It took us a few weeks to win it, though. But today is Texas Independence Day at home.

Mr. Speaker, I would like to call my colleagues' attention to the upcoming debate on the Rohrabacher amendment to H.R. 6 and state my opposition to this misguided approach to immigration policy.

The Rohrabacher amendment would require local school districts to com-

pile statistics each year on the number of students who are not lawfully in the United States. While this may seem like a good policy to some it really only amounts to a massive unfunded mandate and an impossible administrative burden to our school districts.

The courts have ruled that we must educate a child that shows up at our schools and treating any child differently due to their race or parents background would seriously undermine that child's right to an education. I agree that something must be done to stop illegal immigration but our schools are not the place to fight that battle. Our teachers are not immigration agents and it is the job of the Immigration and Naturalization Service to enforce our countries immigration laws not our public schools.

This amendment will not solve the problem of illegal immigration, nor will it ease the number of children crowding our schools. It will only shift the financial burden. I ask my colleagues to oppose this amendment because this education bill is not the appropriate forum to debate immigration policy and furthermore, we should not punish children for the status of their parents.

The Immigration and Naturalization Service opposes this amendment as does the National Conference of State Legislatures.

Mr. Speaker, I urge a no vote on the Rohrabacher amendment.

Mr. Speaker, I include the following letter for the RECORD:

DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE,

Washington, DC, February 28, 1994.

HON. THOMAS S. FOLEY,

Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to express the strong opposition of the Immigration and Naturalization Service (INS) to the amendments to H.R. 6, the "Improving America's Schools Act of 1994," which have been proposed by Congressman Dana Rohrabacher. The first amendment would require local school districts to provide annually to the Department of Education the number of students who are not lawfully in the United States, and the number unlawfully here who do not have at least one parent or legal guardian who is lawfully in the United States. The second amendment would bar the use of Federal funds for assistance to any individual who was not a citizen or national of the United States, a permanent resident alien, or an alien who is a parolee, asylee or refugee.

As a practical matter, school districts cannot by themselves make immigration status determinations about students or their parents and therefore would have to work with INS to implement these amendments, which would be extremely difficult and enormously burdensome for the INS. INS would have to divert scarce resources from other enforcement priorities, including border enforcement and the removal of criminal aliens, to check both our automated and other records of aliens in the United States. The local educational authorities could not be directly

linked to our automated databases without creating vast opportunity for privacy violations. Finally, the labor-intensive requirements contemplated by these amendments could not be assumed without extensive new resources.

In addition, the first amendment would require the local educational agency to count students who are not lawfully in the United States, which is a category that does not correlate with the one used in the second amendment to define alien students who could benefit from the Federal funds—"permanent resident aliens, parolees, asylees, and refugees." Certain other aliens are deemed by statute, regulation and court decision to be "lawfully in the United States."

I urge you and your colleagues to oppose this amendment. We share a concern that illegal aliens not be allowed to remain in the United States, but INS believes that these amendments will not further that end.

Thank you for your consideration of our views. The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

DORIS MEISSNER,
Commissioner.

□ 2000

CRITICS WERE WRONG ABOUT THE BUDGET, AND THEY'RE WRONG ABOUT HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, we are hearing a lot of doom and gloom predictions from Republicans these days about the President's health care plan.

But if you think their words sound familiar, if you feel like you have heard them all before, well, you are right, we have heard them all before.

In fact, we heard many of the same doom and gloom predictions from Republicans last year during the debate over the President's budget plan.

Then, like now, they are saying that the President's ideas will make the sky fall, will bring swarms of locusts, and will make the seas boil.

In the words of that great statesman Yogi Berra: "it's like deja vu all over again."

Before we take their criticism to heart, I think we should check the record, and see how accurate their predictions turned out to be last year.

Let us recall some of the words we heard from Republicans during last year's budget debate.

One Republican told us that the President's budget would lead to, and I quote, "a job-killing recession."

Another told us that the budget was, "Clearly * * * a job-killer in the short run * * * and that the impact on job creation would be devastating."

Another said that the budget would mean, and I quote again, "a higher national debt, deficits running \$350 billion a year, more unemployment, higher interest rates, and higher inflation."

Speaker after Republican speaker repeated the same exact line.

And one gentleman even said to those of us who voted for the plan, "This is now your package. We will come back here next year and try to help you when this puts the economy in the gutter."

Well, Mr. Speaker, guess what: Next year is here.

The budget has had time to take effect.

And each and every one of their predictions has fallen flat on its face.

The truth is that today, interest rates are down and homes sales are up.

Inflation is down and auto sales are up.

Unemployment is down and incomes are up.

And all told, our economy has created more jobs in the past year alone than in the 4 years of President Bush combined.

Last summer, the so-called experts were predicting that if we passed the President's budget, this year's deficit would be \$300 billion.

Well, the experts were wrong.

Because we passed the plan, this year's deficit is projected to be under \$180 billion—a 40-percent drop.

And if we stick with this plan, we will post 3 consecutive years of declining deficits for the first time since Harry Truman lived in the White House.

That's a good start, Mr. Speaker, and more needs to be done. Much more needs to be done.

But it just goes to show that when you make tough choices, you get results.

So when you check the record—it shows that our friends on the other side of the aisle were 100 percent wrong about the President's budget last year.

But now that they lost that battle, they're up to their old tricks again and they are bringing the same old scare tactics to the health care debate.

Now, they are telling us that guaranteed health insurance is quote, "socialism, now or later" and a "dictatorship in health care."

They are telling us, and I quote, "President Clinton wants to deliver a monstrous, government-run, bureaucratic nightmare that is not reform."

And in response to the President's State of the Union message last month, the Republicans said that the President's health plan would "put a mountain of bureaucrats between you and your doctor."

Once again, the President is trying to bring positive change to America. And once again, our friends on the other side of the aisle are using the same old clichés, scare tactics, and tired rhetoric.

Well, we have a saying for this kind of thing in America: Fool me once, shame on you. Fool me twice, shame on me.

The American people are not going to be fooled again.

The Republicans were wrong about the budget then, and they are wrong about the health care plan now.

They did not get it then, and they don't get it now.

Well, the American people get it.

They want a health system that covers everyone, and provides all Americans with health insurance that can never be taken away.

They want a health care system controlled by people who care about our health, not just our wallets.

They want a system that protects and expands Medicare, and lets people choose their own doctors and health plan.

And want a health care system that everyone can depend on. Every day. Always.

After 50 years of starts and stops, that's the plan President Clinton has proposed for America.

And I think it is high time that Republicans stop trying to scare the American people, and start working with the President to fix our health care system, and provide health security for all Americans.

MAJOR DISASTER CONDITIONS IN PENNSYLVANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, at this very moment, Pennsylvania is being hit yet again with a severe winter storm, the proportions of which are yet to accumulate in the Commonwealth.

This brings us to a point where we must repeat the history of this winter thus far for the Commonwealth of Pennsylvania in the context of requests made to the President to take note of the conditions in the Commonwealth of Pennsylvania.

On February 2, the Governor of the Commonwealth, the Honorable Robert Casey, issued a letter to the President in which he asked that the President declare Pennsylvania to be a major disaster. Not only did we already have several waves of winter weather, severe winter weather, but then an earthquake hit several counties of the Commonwealth of Pennsylvania.

The combination of the two, the relief efforts for the earthquake troubled by the severe winter storm, plus the multicounty impact of the adverse winter conditions, prompted the Governor to issue this letter to the President.

The Members of Congress from Pennsylvania, the entire delegation, followed that up with a letter on February 3, directly to the President. It was signed by every Member of the House and by the two Senators, Senators WOFFORD and SPECTER of Pennsylvania. In this letter to the Presi-

dent, we repeated the itemization of what had been happening to Pennsylvania and what continues to happen.

Here we are tonight not yet having received a response from the White House. Yet financial conditions grow worse. Supplies of all kinds are dwindling. Highway crews are being taxed to their limit. The various agencies in the Commonwealth are way beyond their budgets in responding to these storms, and a variety of the problems that every State from time to time faces in emergency measures have hit again in the Commonwealth of Pennsylvania.

So today I followed all of this up with another letter to the President referring back to the letter of the delegation dated February 3 which relates back to the letter by the Governor on February 2.

□ 2010

We repeat, we say to the President that he ought to now declare the emergency that is required and begin the process of funneling the needed funds to Pennsylvania to try to rectify the horrors of the latest onslaught of the winter storms.

FEDERAL RESERVE BOARD: TRANSCRIPT OF PAUL VOLCKER'S AND ARTHUR BURNS' RESPONSE TO THE HOUSE BANKING COMMITTEE'S REQUEST

The SPEAKER pro tempore (Mr. COOPER). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, yesterday I discussed how the Federal Reserve proclaims itself above politics, even as it carries on an elaborate, sophisticated, and very effective political operation. But the Fed does not merely lobby Congress; it feels its influence is so great and Congress so in its thrall, that it can bend the truth and mislead us if our questions get uncomfortable or the facts may be embarrassing.

I recently discovered a particularly illuminating conversation between Arthur Burns and Paul Volcker, which reveals how the former Chairman of the Federal Reserve and the former President of the New York Federal Reserve Bank, respectively, plotted and conspired to try to mislead the Congress. They hoped that by releasing only portions of the Federal Reserve documents requested by the Banking Committee, that the committee would not notice the omission. This subterfuge is revealed in the FOMC minutes that Federal Reserve Chairman Burns left at the Gerald R. Ford Presidential Library in Ann Arbor, MI. Does this sound familiar? These were the same tactics the Fed used just last year to cover up its records.

This particular deception was openly discussed during the November 16, 1976,

FOMC meeting. At that time, the Banking Committee was trying to obtain 3 years' worth of minutes from the Board of Directors meetings with the 12 Federal Reserve banks to learn about the immense power that the banking industry wields by way of these Federal Reserve banks.

The regional Federal Reserve banks are run by Boards of Directors, two-thirds of whom are elected by the very banks they regulate. These Directors have great power to regulate the industry that elects them. They initiate actions related to bank holding companies, such as permission for acquisitions of competing banks, and the Directors approve Federal Reserve loans through the discount window to banks in their districts. This setup provides fertile ground for possible conflicts of interest, since the Fed can pass out favors and punishments to those it wants to keep in line.

For decades, the Fed has orchestrated and executed a full-scale lobbying effort on Capitol Hill, conscripting the very banks it regulates to act as its chorus. This lobbying has been going on for decades. But the Fed has been able to hide this because the minutes of the Directors meetings are pitifully incomplete and not publicly available. It is also something the Fed camouflages whenever it defends its right to continue regulating the banks and bank holding companies instead of turning these duties over to the new, autonomous bank regulatory agency currently being proposed by the administration.

Today, the Fed promises its flock that it will continue to be the friendly regulator—and that is reason enough to oppose reform.

The Fed does not just lobby—it feels free to lie. The transcript of the November 16, 1976, FOMC meeting reveals that President Volcker and Chairman Burns decided to omit the attachments to the minutes that were delivered to the House Banking Committee.

Fed Governor Lawrence K. Roos asked:

How do we protect ourselves from the reverse of giving meaningful information to him [former House Banking Chairman Henry Reuss of Wisconsin]?

New York Federal Reserve Bank President Volcker said:

Well, the important thing to protect here is the attachments to the minutes, in our case they're very long minutes and they include a great many sensitive, as well as a great many dull things.

Chairman Burns replied:

Well, you see if a question were raised about attachment, later on, then these understandings, if they hold and I assure you that I'll do everything in my power to achieve that objective that would apply to the attachment.

The counsel to the Chairman of the Federal Reserve, Thomas J. O'Connell, then warned that it might be necessary

to include some attachments because they are referred to in the minutes.

If you start including some attachments, but not others then to the extent that Mr. Reuss' [Committee] staff is less imaginative than I hope they will be, you will ignite [the] imagination of one or another of his numerous troublemakers.

The 1976 pattern of deception is alive and well today. In 1992 I asked for and received minutes of the Boards of Directors meetings of the 12 Federal Reserve banks from recent years. Were complete documents sent? What can the public and the Congress expect from the Federal Reserve? I have to wonder, because the record is not encouraging.

It is long past time to put an end to the secrecy that allows the Federal Reserve to escape accountability. I recently shared the notes of the Burns-Volcker discussion with former House Banking Committee Chairman Henry Reuss. He expressed shock at the fact that the Fed attempted to mislead him. Who can blame him? The Fed similarly tried to deceive me about its FOMC records.

This is why I am urging you, my colleagues, to support legislation mandating complete disclosure of what is said at the Fed's eight annual monetary policy meetings. To do any less is to give the Fed license to pull the wool over the Congress' eyes, something the central bank is apparently willing to try if the facts are embarrassing to the Fed.

My bill, H.R. 28, the Federal Reserve System Accountability Act of 1993, requires prompt release of FOMC monetary policy changes and timely release of a detailed record of FOMC meetings. The bill also calls for the GAO to examine substantial parts of Federal Reserve operations which are now restricted from inspection. Anyone who wants to drop a curtain of secrecy over the kind of stealth the Fed engages in, does not understand how the Fed has abused and misused its privileged position. Accountability is the first duty of responsibility. For as Lord Acton observed, those who need not be accountable eventually become corrupt.

(The material referred to follows:)

TJOC. Mr. Chairman, may I urge then that to the extent executive committee minutes would be included, that the same right and function of withdrawal and exclusion from those be followed.

CB. Oh yes, absolutely.

Roos. How do we protect ourselves from the reverse of giving meaningful information to him, if he has too little information, he comes back and says one of two things either we're highly, say in the case we do nothing or we are so secretive in our activities that we don't dare put down our nefarious activities. I mean, it seems to me he's got us either way if he wants to play that game and I don't know it.

CB. Well, I don't know if there is any protection and I would not be at all surprised if a by-product of this fishing expedition turned out to be a strong recommendation

by Mr. Reuss, possibly by his entire committee, possible a piece of legislation that he would introduce as to the character of minutes. I would not be surprised in the future. First, a condemnation, and then laying the basis you see for this request as to the future. Well, gentlemen, that's the kind of world we live in and I don't think that this environment in which we function, that it's going to change very quickly nor am I ready to predict that it's going to improve this year. Any question, comment, criticism of this procedure. I haven't sent this letter yet.

BARTEE. I would consider it very fortunate if you can, get it off, and get it accepted—

VOLCKER. Well, the important thing to protect here is the attachments to the minutes, in our case they're very long minutes and they include a great many sensitive, as well as a great many dull things.

CB. Well, you see if a question were raised about attachments, later on, then these understandings, if they hold and I assure you that I'll do everything in my power to achieve that objective that would apply to the attachments. In other words, if let's say Reuss asks later on for the attachment, these categories of exclusion and separate filings, it would—these attachments would be handled in exactly the same way as the body of the minutes. But let's not anticipate too much. There is still, I've said this 3, 4, 5, times already, there's still a possibility Mr. Reuss will acquire other interests in the course of the year. One of the difficulties, of course, here is you know that's part of the world we live in. Mr. Reuss may well acquire other interests. He has a very large staff. I think they've put in long hours thinking up ways you see of harassing, etc.

VOLCKER. The trouble is he's got a big enough staff so one of them could make this his personal interest.

CB. Oh, yes.

TJOC. Before closing, may I touch on a matter that Mr. Volcker has remarked about the attachments again. It's quite possible that a board of directors minutes will contain a reference to that board's recent action in recommending a discount rate for the Board and the Board's response thereto attached as exhibit A. Mr. Chairman, it's quite possible that's the very type of attachment you would want to exhibit to Mr. Reuss, consistent with the position you've taken all along with respect to the roll that the Bank directors play in this action of monetary policy. So that at the very outset we may be including specific attachments as we review these minutes. I didn't * * *

CB. Well, let's think very carefully about that. If you start including some attachments, but not others then to the extent that Mr. Reuss' staff is less imaginative than I hope they will be, you will ignite imagination of one or another of his numerous troublemakers.

TJOC. In a way you've done that when you've included the executive committee minutes, Mr. Chairman.

CB. Well executive committee meetings are different, as I think that Mr. Volcker explained that better than I did, that there are executive committee functions for the Board and at times meetings of the executive committee are virtually indistinguishable from full board meetings.

TJOC. All right sir.

CB. Any thing else, gentlemen? On this we've had two unsavory subjects for discussion and if there is no further question or comment, let's drink coffee and that would fortify us perhaps for—

PEACE IN NORTHERN IRELAND?

The SPEAKER pro tempore. (Mr. COOPER). Under the Speaker's announced policy of February 11, 1994, the gentleman from Massachusetts [Mr. NEAL] is recognized for 60 minutes as the designee of the majority leader.

Mr. NEAL of Massachusetts. Mr. Speaker, tonight we rise again for the next hour in an attempt to draw attention to and spread some light upon the longest-standing political dispute in the Western world.

The issue that we put before the American people tonight is the issue, once again, of Northern Ireland. During the course of the next hour we will have an opportunity to discuss this issue and to speak forcefully to the issues that still bedevil those six counties in the northeast of Ireland. We are reminded tonight that this geographic area is comprised of similar size to the State of Connecticut and is inhabited by 1.5 million people.

This week I was fortunate enough to have been invited by the Speaker, Speaker FOLEY, to attend a meeting with the prime minister of Great Britain, John Major. During the course of that meeting we had a free exchange of ideas, which I hope will be helpful during the course of this debate.

But I would like at this time to present the gentleman from New York [Mr. MANTON], who is not only a distinguished American in his own right but this year has the distinct honor of leading the St. Patrick's Day parade in the city of New York. I can think of no one who is more deserving of this tribute and honor than the distinguished gentleman from New York. His interest in this issue goes back many, many years, and we are, indeed, grateful for his help. I would now like to acknowledge the gentleman from New York, Mr. TOM MANTON, for as much time as he may consume.

Mr. MANTON. Mr. Speaker, I want to thank my good friend RICHARD NEAL for organizing this special order on the subject of prospects for a united Ireland. I also want to commend him for his longstanding efforts to bring peace to all of Ireland.

Mr. Speaker, I think it's appropriate that we join to discuss prospects for a united Ireland at this juncture. In the last several months, those of us concerned about human and civil rights in Northern Ireland have had reason for hope. This optimism began when the most important Catholic leaders in Northern Ireland, John Hume, the leader of the SDLP Party, and Gerry Adams, the leader of the Sinn Féin Party, announced they had joined to craft an historic plan to end civil strife in Northern Ireland. Later, British Prime Minister John Major and Irish Prime Minister Albert Reynolds took another step to encourage the peace process by issuing their joint Declaration of Peace. More recently, President

Clinton's decision to allow Gerry Adams into the United States last month provided an important opportunity for Mr. Adams, whom the British have silenced through censorship in his own country, to share the perspective of a substantial segment of the Catholic population in Northern Ireland.

While these events have been positive, change in Northern Ireland is long overdue. We cannot be satisfied by the encouraging gestures we have received from Mr. Major, Mr. Reynolds, or President Clinton. We cannot be satisfied because we cannot allow any more young lives to be sacrificed to the ongoing sectarian strife in Northern Ireland.

Several weeks ago, Amnesty International released a troubling report entitled, "Political Killings in Northern Ireland," which noted that more than 350 people have been killed by security forces in Northern Ireland during the last 20 years. About half of those killed were unarmed individuals. Most were Catholic. Disturbingly, Amnesty International expressed the view that there was convincing evidence that British security forces in Northern Ireland practice a policy of deliberately killing suspects, rather than arresting them. The gravity of such a charge cannot be overstated. The idea of the police shooting suspects, thereby taking upon themselves the role of investigator, prosecutor, judge, jury, and executioner is shocking to me as a former police officer and as an American. To date, the British have still not responded to Amnesty's charges.

Unfortunately, these kind of charges against British occupying forces in Northern Ireland are not new. While international media attention is often rightly given to the tragedy of IRA terrorism in Ireland, in the United States we do not often hear of the equally gruesome violence perpetrated by loyalist paramilitary groups against Catholics there. My point today is not that one type of murder is worse than another, but rather that after more than 20 years and the deaths of more than 3,400 people over all, the time has come to stop simply laying blame at one side or another and bring peace to the whole of Ireland.

Those of us who have joined here today believe that we can no longer be patient with small steps toward peace. We must offer support to President Clinton and the Irish and British Prime Ministers for their efforts up to this point, but we must urge them to do more. The fact is Northern Ireland is one of the last vestiges of the British colonial system. British rule in Northern Ireland is enforced today by the barrel of a gun. To me, it seems the sensible thing from all standpoints would be to create a government for all of Ireland which protects the rights of both Protestants and Catholics, en-

courages integration rather than reinforces separation, and is determined by the ballot rather than by bombs and fear. I firmly believe this is an Ireland that the Irish people fervently desire.

Of course, as Americans we cannot make peace a reality. Although we can continue to speak out and urge our President to encourage the British and Irish Governments to support peace, peace must ultimately come from the Irish people themselves. However, they must be given the support necessary to achieve this goal. I pledge my support, and ask my colleagues to join me in continuing to call attention to the suffering in Northern Ireland, and speak out until the goal of peace for all of Ireland is realized.

□ 2020

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. MANTON]. Certainly the theme of this evening's talks will refer frequently to the issue of a united Ireland, which brings us to the House this evening.

I now would like to acknowledge a great son of South Boston, an individual who has had a consistent interest in the issue of the state of Ireland, the distinguished chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, I rise here today to say a few words about the conflict in Northern Ireland. This issue has been important to me for many years, and I thank my colleague and friend, RICHARD NEAL, for organizing this special session.

Given the recent developments in the peace process and diplomatic visits by Prime Minister John Major, Irish President Mary Robinson, and Irish Prime Minister Albert Reynolds, I think it is especially important that we call attention to the many questions surrounding this conflict.

For many years there seemed little reason to hope for a peaceful, demilitarized Northern Ireland. Efforts toward a united Ireland were too often associated with violence and fear. Well, that has changed. I believe we have reached a historic moment in this conflict and believe it is our responsibility not to let this opportunity slip away.

The joint peace declaration gives all parties a foundation from which to approach lasting solutions in Northern Ireland. Prime Minister Major and Secretary of State for Northern Ireland John Mayhew have publicly reaffirmed their desire to legislate for a united Ireland.

I am encouraged that Prime Minister Major has said repeatedly that the British Government has no strategic interest in remaining in Northern Ireland and that the British Government intends to withdraw its troops from Northern Ireland if the violence stops.

With the Downing Street Declaration we now have a framework under which

a comprehensive political settlement can be achieved. We must recognize, however, that a lasting solution can only be achieved through agreement and consent. If we are going to be able to reach this agreement, all parties must be full participants in the process.

I urge my colleagues and President Clinton to understand the overwhelming desire of the people in both parts of the island for a lasting peace. It is our responsibility to push for a peace process that will allow all the people of Ireland to negotiate the future of their great nation.

I thank all of my colleagues who have done so much good work on this issue and who have shown their support for Ireland by being here tonight.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY].

Now I would like to acknowledge, in a demonstration of bipartisan support, the theme that we have enunciated once again this evening, the distinguished gentleman from the State of Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. NEAL], and I do not have the time in this Chamber nor the credentials with this particular issue that, for example, the gentleman from Massachusetts [Mr. MOAKLEY] has because I am relatively new to it, and perhaps I can bring some perspectives of someone who has become recently involved in the issue that might be a little different.

Mr. Speaker, last summer I was privileged to gain an extraordinary exposure to Ireland's expansive landscape of political views and opinions during a visit to Belfast, and with the assistance of the U.S. State Department and Cleveland City Councilman Pat O'Malley I met with party leaders representing the entire spectrum of Irish political parties from Gerry Adams, the leader of Sinn Féin, to Ian Paisley, the leader of the Democratic Unionist Party, which represents the most extreme loyalist pro-British element.

Unlike our American political parties, the political parties in Northern Ireland are not distinguished primarily by their commitment to economic or social principles. Whereas our political parties debate ideological differences over the legitimate and appropriate size of Government, the role of regulation, how much we should tax ourselves, et cetera, the Irish parties are distinguished first and foremost by their various commitments to the future geopolitical status of Northern Ireland.

At one end of the political spectrum are the pure Republicans, the Catholic faction which demands that Northern Ireland become part of the Republic of Ireland to the south. This is the position held by the Sinn Féin Party,

which received about 12 percent of the popular vote in the last election. At the other end of the spectrum is the Protestant faction, which believes Northern Ireland should always be a part of Britain. They are represented by the DUP, the Democratic Unionist Party, which received about 17 percent of the vote in the last election. In the middle are three other parties which have the majority of popular support, although none has a majority by itself. The Social Democratic Labor Party [SDLP], led by John Hume of Derry, is the pronationalist, prounification party that gathered about 22 percent of the vote and then the Ulster Unionist Party is a prounion centrist party with 29 percent of the vote. Finally, there is the appropriately named Alliance Party which is the only political party with substantial numbers of both Catholics and Protestants, which predictably is also the smallest party and received only about 8 percent of the vote.

The problems in Northern Ireland are not simple. They are reflected by that rather complex array of parties. It is axiomatic that if the problems of Northern Ireland were simple and lent themselves to easy solutions, they would have been resolved a long time ago.

□ 2030

Lending to the confusion is the practice by nearly every political leader I met in Ireland of using historical events to prove his or her point, reaching back as far as needed to illustrate it. To put this in perspective, bear in mind that Saint Patrick converted the Celts to Christianity in AD 432, and the British came to Northern Ireland nearly 400 years before Columbus sailed for the Americas.

It is not unusual for Americans visiting Northern Ireland to be struck by the similarities between Ireland's current situation and our civil rights movement of the 1960's. The primary difference being that Ireland suffers not from a history of racial discrimination, rather from a history of religious discrimination, specifically discrimination against Catholics by Protestants. What is unfortunate is that the Irish have not yet benefited from the lessons of the politics of inclusion that we have here in the United States.

Instead of including all political groups with popular support in the political process, the British Government has, until very recently, actually aggravated the natural political polarities by excluding those of dissenting views, specifically the Sinn Féin Party. To the extent that all groups are brought within the process and thereby made responsible and accountable for outcomes, society succeeds in pulling dissenting elements into the social and political mainstream. Certainly the past 250 years of

American history convincingly illustrate this point.

If I had to single out one flaw in British policy toward Northern Ireland over the past 20 years, it would be its ignorance of this political truth. By way of example, I had the privilege of touring the Conway Mills project, an established community center that was founded by Father Des Wilson in 1982, a supporter of the reunification of Ireland. It has applied and been turned down for grants from the International Fund for Ireland [IFI], a program for commercial development in Ireland that receives half of its funding from the United States and the other half from the European Community.

Father Wilson is working in the poorest section of Catholic West Belfast on a number of initiatives designed to improve peoples' lives through economic development, education, and hunger relief. The Conway Mills Community Center includes classrooms and a small business incubator. Actively involved in special community projects, it also has a small theater, a day care center, and an inexpensive snack bar. Frankly, it reminded me of the community center in the Cleveland neighborhood of Tremont.

But the British Government had indicated to the IFI that it did not want Conway Mills to be funded in any way because of the politics of Father Des Wilson. I personally spoke to the Director of the IFI and requested that the Conway Mills grant request be reconsidered. Bear in mind that 50 percent of the IFI's funding is appropriated by the U.S. Congress. I explained that I thought it was not only important to support Conway Mills because of the value of its programs, but equally important to draw it out of the underground and into the mainstream. This will profoundly impact not only how the individuals involved with Conway Mills are viewed by outsiders, but how those individuals view themselves and their own relation to the larger society in which they live.

Because of the polarized environment and rigid positions held by Ireland's parties, I am relatively discouraged regarding the prospects for near-term reconciliation of these differences. That notwithstanding, I was tremendously impressed and inspired by one group with whom I met, the Northern Ireland Commission for Integrated Education [NICIE]. Led by Fiona Stephens, this is a parent-driven initiative which has established integrated schools with student bodies composed of about equal numbers of Protestants and Catholics. It is tragic that the vast majority of the people of Northern Ireland grow up never meeting or getting to know people of different religious faiths except in brief commercial transactions, feeding the development of deep-seated prejudice at a very young age. NICIE has only been around

for a few years, yet it already has over 18 schools with 4,000 students. While this represents only 2 percent of Ireland's student population, it was the most hopeful indication I saw that these differences will eventually be worked out.

The untenability of the British position is that during their colonial period they presided over the building of a political and economic system which exploited the religious differences and rivalries between two communities in order to serve and maintain their own colonial purposes. Now in a vastly changed 1990's European Community, Northern Ireland finds itself saddled with the rotting remnants of an unjust foundation. No lasting and equitable solution will be possible without the full inclusion and participation of all political parties. The British and Dublin Governments are clearly in the positions of leadership to initiate a new era of reconciliation and cooperation in which the politics of pride and paranoia are replaced by the politics of inclusion and reason.

Britain is to be praised for its recent boldness in initiating talks, even though clandestinely, with representatives of Sinn Féin. But Britain should be further encouraged to continue this process, that when men and women of peace and justice are committed to positive resolution and reconciliation, if all are included in that process, then reconciliation will eventually come.

Mr. Speaker, I thank the gentleman for yielding.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from Ohio for his presentation.

Mr. Speaker, I now would like to call upon the cochairman of the ad hoc committee on Irish affairs, a champion of human rights everywhere, who has been a leader on the issue of a united Ireland, and an outspoken critic of a system that in many cases has demonstrated injustice, the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise today to join with my colleagues in drawing attention to the turbulent, hostile situation in Northern Ireland—and the critical role the United States can play in achieving a just, peaceful and lasting resolution to the tragic conflict there.

I thank the gentleman from Massachusetts [Mr. NEAL] for organizing this special order to permit us to once again, focus our attention on this important issue.

The United States owes a great deal of gratitude to Americans of Irish birth and descent. Their significant contributions to the development and growth of our country are part of the warp and woof of our history.

Our Nation's history is interwoven with the biographies of Irish men and women who have helped to provide leadership to our Nation.

No fewer than 11 Presidents, from Andrew Jackson elected in 1828, to Ronald Reagan elected in 1980, have identified themselves as at least partially of Irish descent.

A number of Irish-Americans sit in Congress on both sides of the aisle. It is only appropriate that we do whatever we can to improve the situation in both parts of Ireland—the north and the south.

The recent visit to New York of Sinn Féin's political leader, Gerry Adams, with whom London had been meeting secretly for 3 years, demonstrated the impact of U.S. can have in seeking a resolution to this conflict. His visit enabled millions of Americans and others to gain a fresh insight into the conflict and the divisions it has created.

Mr. Adams' visit to the U.S. came after pressure was put on President Clinton to fulfill his promise in the 1992 Presidential campaign that a Clinton administration would issue a visa to the leader of Sinn Féin.

We must all work together to build upon that visit by ensuring that the American public is informed about all points of view concerning the north of Ireland.

While Mr. Adams' brief visit was welcome, there needs to be more. The U.S. provides 7,000,000 visas a year for travel to the U.S.

We have issued visas to political leaders who have been our adversaries, such as Mikhail Gorbachev, and leaders of organizations, that we have considered terrorist, such as Yassar Arafat, because we consider it in our interests to do so.

If the United States is to play a constructive role in seeking a just and peaceful resolution to the conflict in Northern Ireland—and I believe it is in our best interest to do so—then it is in our interest to permit those who hold different viewpoints on this issue to visit the United States so that the American public can hear those viewpoints.

Mr. Speaker, in addition to promising a visa for Gerry Adams, Mr. Clinton make a number of other commitments to the Irish-American community during his 1992 presidential campaign, including support for the McBride Principles on Fair Employment in Northern Ireland and appointment of a United States peace envoy to Northern Ireland.

They are described in an article in the April 8-14, 1992 issue of *The Irish Echo* which I include for the RECORD.

[From the Irish Echo, April 8, 1992]

PUTTING IRELAND ON THE MAP

(By Ray O'Hanlon)

Governors Bill Clinton and Jerry Brown, rivals for the Democratic Party nomination for November's presidential election, have backed the recent proposal of a U.S. peace envoy to Northern Ireland.

And at a specially convened forum to discuss issues of Irish concern, Sunday night in

Manhattan, both candidates said that as president they would support the McBride Principles on Fair Employment in Northern Ireland and rescind the current State Department ban on the entry to this country of Sinn Féin President Gerry Adams.

The forum, which had previously been scheduled for Saturday at Mt. St. Vincent College in the Bronx—and which Clinton was not expected to attend—was rescheduled for Sunday night at the Sheraton Manhattan Hotel, Clinton's base of operations in the city.

The meeting, organized by Bronx Assemblyman John Dearie, featured a panel of journalists and community leaders who directed a series of questions at both candidates.

BILL CLINTON

In answer to the first question, if as president of the United States would he appoint a special envoy to Northern Ireland, delivered by Boston Mayor Ray Flynn. Gov. Clinton was to the point with his answer.

"The short answer to your question is yes," he said.

"I think sometimes we have been a little too reluctant to engage ourselves in a positive way in pursuit of our clearly stated interests and values because of our longstanding special relationship with Great Britain and also because it (Northern Ireland) seemed such a thorny problem."

Clinton also said he hoped to see the United Nations become more involved in helping to solve the North's troubles.

On the question of direct presidential intervention with the British Government regarding cases of human rights violations in Northern Ireland, Clinton said that if the U.S. had a special envoy and was initiating greater activity on the part of the U.N., "we would wish to focus on the work of Amnesty International as well as Helsinki Watch on verifiable cases, not only by the security forces, but by other forces of violence, other violators of human rights and other purveyors of death in Northern Ireland."

"And I don't think you can exempt the security forces from the actions we ought to take," he said.

Clinton said he did not see a more direct approach taken with London as being a danger to the special relationship between the U.S. and Britain.

"We have a government in (the Republic of) Ireland and a president committed to reaching across religious and geographic borders. This is a propitious opportunity to try and heal some of the divisions and solve some of the problems and, yes, I would take it up with the prime minister of Great Britain."

Clinton said he would support a visa for Gerry Adams and would support a visa for "any other properly elected official."

He said he understood the position of the U.S. "with regard to Sinn Féin and the advocacy of violence as opposed to non-violence." But as Adams was an elected member of the British Parliament, Clinton said he felt that it would be "totally harmless to our national security interest and it might be enlightening to the political debate in this country about the issues."

"I would support a visa for Adams and any other properly elected official from a government we recognize," Clinton said.

Clinton expressed his concern over the manner of the recent deportation to Northern Ireland of Joe Doherty.

"What bothers me about this case more than the facts of the case is the indication that our court system plainly laid out a

process by which he could have been extradited or not as the case may be and that the process was short-circuited apparently for political reasons by the administration.

"That's what bothers me about this case. I know that those who supported the extradition say that if he (Doherty) had been in Ireland he would have been extradited, but that's not the point. The point is we have rules, regulations, a Constitution, court procedures and my strong instinct in all cases of this kind would be to let the court procedures run their course."

Clinton did point out that if Doherty had been granted an asylum hearing, and if the court had ordered him to be sent back to Northern Ireland, he would have had to support that decision.

Clinton said he liked the MacBride Principles and believed in them and as president would encourage all governors to embrace them.

And he rejected the argument that the principles discourage investment in Northern Ireland. Instead, he saw the principles as a way of encouraging investment and stabilizing the political and economic climate and the work force by making them free of discrimination.

"I don't buy that (argument). I don't see it as a problem," he said.

Clinton, who addressed the forum for about 30 minutes, from about 8:30 p.m., also welcomed recent changes in U.S. immigration law and the introduction of the Morrison Visa Program. He also paid tribute to Irish-Americans and their contribution to the building of the United States. "The character, the strength of family and community, the old fashioned passion for politics that the Irish have brought to this country are very much needed today," Clinton said in a concluding statement.

JERRY BROWN

Because of his schedule, Gov. Brown did not speak until some time after his rival left the forum. Indeed, it was something of a dramatic entrance for Brown almost at the stroke of midnight following a flight from upstate New York.

He lost no time in warming to and warming up those who had lasted the three hours spanning the Clinton and Brown interviews.

"It would be quite appropriate to appoint a special envoy and peace envoy and take a real personal interest," Brown said.

"Ireland and the violence in Northern Ireland doesn't get the same presidential attention that other areas in the world do. And yes, I would appoint a special envoy; more than that I would make an effort to go to Northern Ireland myself or send the secretary of State."

Brown was emphatic that, as president, he would raise human rights issues directly with the British Government.

"Great Britain needs to be reminded in the most forceful way that this is a country whose premise is due process and rights and respect for each individual person."

On the Gerry Adams visa denial issue, he prefaced his support for the admission to the U.S. of the Sinn Féin leader by saying that it was without giving "any particular support to the advocacy of violence, terrorism or killing."

He added that he believed that elected officials should be invited to the United States particularly if Americans wanted to hear them.

"This country," Brown said, "is governed not by politicians but by the people, we the people, and the first principle of we the people running things is to have information."

Brown said that if the U.S. was going to have a national policy with regard to Northern Ireland, then people would have to be allowed to hear different points of view and to that end he would allow "legitimate political leadership," including Gerry Adams, to enter the country.

In expressing his support for the MacBride Principles and disagreement with the decision of current California governor, Pete Wilson, to veto the state's MacBride Bill, Brown said it was necessary to take an active role in public pension funds as a way of having an impact on the direction of investment.

As to arguments that MacBride was a disincentive to investment, Brown replied: "I don't believe the market should be the closet dictator."

"We should introduce a moral principle into the social and economic order," he said to loud applause.

In addition to promising a visa to Mr. Adams, Mr. Clinton also pledged to encourage all State governors to embrace and enact the MacBride Principles.

These moral guidelines call on foreign business to invest only in those enterprises in Northern Ireland which do not practice religious discrimination. So far, the President has not pushed State governors in that direction, and I urge him to do so.

During the 1992 campaign, then Boston Mayor Ray Flynn, now U.S. Ambassador to the Vatican, asked then Governor Clinton if he would appoint a special peace envoy to Northern Ireland.

After saying that the short answer to Mr. Flynn's question was yes, Mr. Clinton said he would use the special envoy to:

Focus on the work of Amnesty International as well as Helsinki Watch on verifiable cases, not only by the security forces, but by other forces of violence, other violators of human rights and other purveyors of death in Northern Ireland.

Appointment of a Special U.S. Representative who would focus on peace efforts would be an important and visible symbol that the United States is truly committed to helping all the parties to the conflict achieve a just and lasting settlement. Former President Jimmy Carter comes to mind as just one potential candidate as a special envoy.

Those of us in this Congress who want peace in Ireland must ensure that President Clinton lives up to his promise to appoint a special envoy, as well as his other campaign promises regarding Northern Ireland.

The American Irish Political Education Committee is among many groups in the United States that are working diligently to realize this goal. Founded in 1975 and based in West Haverstraw, NY, its national president is John Finucane, a retired, 20-year decorated firefighter. The American Irish Political Committee realizes that now is the time to work for a peaceful, united, democratic Ireland.

In addition to pressing President Clinton on key issues, the Congress can

keep up pressure on other fronts. Earlier today our Irish Caucus met with Martin Finucane, no relation to the previously mentioned John Finucane, who is president of the Patrick Finucane Centre for Human Rights and Social Change in Derry. Derry was the location of the tragic 1972 massacre of 13 unarmed people known as Bloody Sunday.

Martin's brother Patrick Finucane, a well respected human rights lawyer who had successfully taken the British Government to court, was murdered by the loyalist Ulster Defense Association in 1989. Mr. Finucane shed light on the state of the judicial system in the north of Ireland by stating, "Where I come from the people who write the laws are the ones who break them." Martin also noted that the opportunities for peace have never been greater.

I also met this week with British Prime Minister John Major. He assured us that he would continue the current peace talks. While the Downing Street Declaration requires further clarification in certain areas, such as amnesty of political prisoners on all sides and a timetable for complete demilitarization, this new dialog stands in stark contrast to the posturing of years past.

We must also continue our economic support of the Anglo-Irish Fund and continue the work of the Congressional Ad-Hoc Committee on Northern Ireland. The ad-hoc committee now has more than 100 members.

The United States, as a world leader, must play its rightful role in bringing about that peace. Today's special order clearly underscores the need and reviews the historical basis for that role. I thank the gentleman from Massachusetts [Mr. NEAL] for his leadership in this evening's effort.

□ 2040

Mr. NEAL of Massachusetts. We thank the distinguished gentleman from New York [Mr. GILMAN] for his longstanding interest in human rights issues.

Mr. Speaker, I yield to the gentleman from New York [Mr. KING], an individual who has had a long history of interest in this issue. Indeed, he has been courageous and forceful on this issue for many, many years.

Mr. KING. Mr. Speaker, I thank the gentleman for yielding.

At the very outset I want to begin my remarks on a bipartisan tone by first commending the gentleman from Massachusetts [Mr. NEAL] for the outstanding leadership that he has shown on this issue. He has been in the forefront. He has waged the fight, waged the struggle, and he is always there when needed. I just want to thank him for the truly outstanding work that he has done in alerting the Members of this House on both sides of the aisle to the terrible injustices which exist in the north of Ireland.

I also, on a further bipartisan note, want to extend my congratulations to my colleague, the gentleman from New York [Mr. MANTON] on being designated as the grand marshal of the New York City St. Patrick's Day parade. TOM MANTON has been a friend of mine for many years before I came to this House. In fact, TOM represents my old neighborhood in Sunnyside, Queens, and no one is more deserving of the honor of grand marshal than TOM MANTON. Hundreds of thousands of Irish-Americans will be very proud to march behind him as he leads us up Fifth Avenue on St. Patrick's Day.

Also, on another bipartisan note, I want to commend President Clinton for resisting the pressure of the British Government, the British Ambassador, the British Prime Minister, and granting a visa to Mr. Gerry Adams, the president of Sinn Fein, to enter this country. For 20 years, the American Government allowed its policy toward Mr. Adams to be guided and controlled by the British Government. President Clinton, honoring a campaign pledge, allowed Mr. Adams into this country and gave the American people the opportunity to see for themselves exactly who Gerry Adams was and what he stood for.

Also, Mr. Speaker, I should, and I would be remiss if I did not, point to those Irish-Americans, those of Irish ancestry, who have risen to high positions of power, but unfortunately have chosen not to advance the cause of Irish freedom, instead following in the ignoble tradition of Judas Iscariot and Gypo Nolan and turned their backs on their own people. Thank God that we had people in this House and in this Chamber and in this Government who were willing to stand up for what was right, and people not just of Irish descent, people such as the gentlemen from New York, Mr. GILMAN and Mr. FISH, people who understand that justice is not something that is defined by religious or ethnic lines.

Mr. Speaker, I think it is important to note that we are at a crossroads in Irish history. We are at a moment in Irish history where, for the first time, there is a real opportunity for all the parties to come together, and yet there is still more that has to be done.

Yes, the Downing Street Declaration was certainly a very, very significant step in the right direction. Indeed, it was a historic step in the right direction. I commend the prime ministers for going as far as they have. However, we have to realize that these talks were initiated in the first instance by Sinn Fein, with the British Government, between Gerry Adams and John Hume and with the British Government. That is where the pressure continues to come from.

We cannot reach a lasting peace unless the legitimate aspirations of all the people in the north of Ireland are

acknowledged. That is the flaw which still remains in the Downing Street Declaration. As progressive as it is, as advanced as it is, the bottom line is it still does retain a loyalist veto.

I would join with those who call upon the British Government to further clarify what that Declaration is about, to go the extra mile, to go the extra step, and too, now that we are so close to the possibility of peace, not to let anything stand in the way, not to let a certain intransigent or historical bigotry or bias or blindness towards the north of Ireland prevent the British from going that extra step.

Also, that involves our Government. It is important for our Government, just because Mr. Adams came once, not to feel that our commitment to free speech has been satisfied. I believe that Mr. Adams should be allowed to reenter this country, to once again meet with Members of Congress, to come to Washington, to not just be confined to a narrow 15-mile zone in New York City.

Let the Members of this body see what Mr. Adams stands for and what he has to say. Let him answer questions we may have for him. I think it is absolutely vital that we do that.

In saying that, let us not focus all of the attention on Mr. Adams. People have spoken about a person who was alleged to be a terrorist entering this country, a person who perhaps has been involved with paramilitary organizations entering this country, yet no one says a word when Ian Paisley enters this country. Ian Paisley is the head of the Democratic Unity Party. He is a notoriously open anti-Catholic bigot who still gives speeches against the Pope and denounces Rome, and carries on in some sort of 19th century tradition, and his chief deputy, Peter Robinson, is openly allied with paramilitaries in Northern Ireland. He was involved in the Ulster resistance movement several years ago, yet he will be able to come to this country in several weeks and no one will comment on why the President let him in. It will be looked on as just the ordinary course of business.

I say if it is just the ordinary course of business for Ian Paisley and Peter Robinson to come to this country, then it should be the ordinary course of business for people such as Gerry Adams and Martin McGinnis of Sinn Fein to come to this country.

Mr. Speaker, sitting in this Chamber tonight in the gallery is a gentleman who was referred to by the gentleman from New York [Mr. GILMAN] Martin Finucane. I was privileged to know Martin's brother, Patrick Finucane, very well. Patrick Finucane was one of the leading solicitors in the north of Ireland. He took on the cases that other lawyers were afraid to take on.

Patrick Finucane was in the forefront of exposing the injustices of the

British criminal justice system, and in 1989, after a member of the British Parliament stood on the floor of the House of Commons, and by his words, called for the death of Patrick Finucane, within weeks of that speech Patrick Finucane was shot dead in his home in front of his wife, in front of his children, and he was only shot dead after the British security forces cleared that neighborhood to make sure there was no one there to defend Patrick Finucane.

When we talk about terrorism, and all of us must denounce terrorism, but let us never forget the state terrorism of the British security forces, the state terrorism of the British security forces which brought about the murder of outstanding people such as Patrick Finucane.

When those who talk of Gerry Adams, a man who, by the way, and I think this should also be put in the RECORD, Mr. Adams represents a political party which has had more of its members assassinated in the last 1½ than any other political party in Western Europe. They have been assassinated. His office was rocket-bombed just several days ago. He has been, himself, shot, shot in the back.

In spite of all of that, in spite of the fact that he is not allowed to speak on television in the north of Ireland, the people cannot hear his words, they are dubbed in by an actor, in spite of all of that, in the last elections Mr. Adams' party, Sinn Fein, received more first preference votes than any other political party in Belfast, and that is very, very important to note.

Mr. Speaker, what can be done? We can go on all night denouncing the record of the British Government in the north of Ireland, and the fact that it is the British Government which is the source and the cause of the violence in the north of Ireland, but I also want to take a step forward.

□ 2050

I say let us put all of that behind us and let us let all people come to the negotiating table. Let us all follow the admonition of the President of Sinn Fein who called for a complete demilitarization in the north of Ireland, yes, the IRA should lay down their arms, yes, the British Army should lay down their arms, yes, the Royal Ulster Constabulary should lay down their arms, yes, the discredited UDR, now going under the pseudonym of the Royal Irish Rangers, yes, the Ulster Defense Association should lay down their arms, and the Ulster Freedom Fighters, and the Ulster Volunteer Force, and all of the paramilitaries on the loyalist side.

You will notice that I just went through a list of seven, or eight, or nine armed organizations in the north of Ireland. Only one of them was the Irish Republican Army.

Yet when people call for a cease-fire, when people call for a laying down of arms, all they talk about is the IRA. What about all the others?

Mr. Speaker, in conclusion, I just emphasize again the crossroads that we are at, the fact if John Major will just come forward and say that the loyalists no longer have their veto in the occupied six counties, if he would say that the solution to the problems of Ireland is to have all the people on the island of Ireland speak, let them all come together and let us create a 32-county island where all denominations and all traditions and all peoples receive full civil rights, civil liberties, and human rights, so no longer will we have an occupied six counties where the British are condemned more for their human rights violations than any other country in Western Europe. Let us have, after 835 years of occupation, let us finally have an island that is free, an island that is united, and an island where the counties from Antrim, Down, Armagh, Fermanagh, and Tyrone are part of a free, united, and peaceful 32-county republic.

Mr. NEAL of Massachusetts. Mr. Speaker, we thank the gentleman for articulating that point of view as well as he always does.

I now would like to yield to the distinguished gentleman from the Third Congressional District of Massachusetts. We are reminded tonight, Mr. Speaker, that not only have we utilized the talents of many individuals who frequently have spoken out on this issue, but just as importantly, there are a lot of new faces who have joined us in this effort. I would like now to acknowledge the distinguished gentleman from the Third Congressional District of Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Speaker, I would like to thank my colleague, the gentleman from Massachusetts [Mr. NEAL], for his leadership on this issue which is well known in the Commonwealth of Massachusetts and across the country. I would also like to commend my freshman colleague, the gentleman from New York [Mr. KING], who has brought a passion to this issue that I do not think has been seen for some time.

Tonight we are speaking about Ireland.

Unfortunately, as we have heard tonight, Ireland today stands divided. It stands divided at a time when the rest of the world seems to be moving together. The Iron Curtain has fallen, as has the Berlin Wall. Jews and Arabs in the Middle East are coming together, and whites and blacks in South Africa are moving toward peace and democracy, although as we have heard in recent weeks, there will be setbacks along the way.

But even with the efforts for peace and reunification, these are turbulent times in Germany, in Eastern Europe,

in Israel, and in South Africa. But it is also a time when there is new hope and thoughts of what can be and will be, rather than the dark thoughts of hopelessness.

Peace is not easy. Reunification is not an easy way. But it is, in the end, the only way.

Just a few short months ago prospects for peace in Ireland were not strong. But today after the issuance of the joint Declaration of Peace by Prime Ministers Reynolds and Major in December and developments over the last few months, I think most observers find themselves thinking positively about the situation in Northern Ireland. We have a chance now to move forward toward a united Ireland.

Prime Minister Major said yesterday in referring to the violence in Northern Ireland that, "Strong support for peace coming from America can play a part in this." I guess we should add tonight that strong support for unity coming from Britain can also play a major part in this.

I, for one, pledge my support for the principle of peace in Northern Ireland and for making, at long last, Ireland a free and united 32-county Ireland.

Clearly, the Irish people overwhelmingly support efforts for peace. They are tired of the violence. The American people and the American political leadership here in the Congress and in the administration should be as well.

It is time for all parties to the dispute to sit down and work out an accord, and whatever steps we can take as Americans to accomplish this noble goal should be taken just as we have across the globe.

Eight hundred years of conflict, 25 years of increasing violence. More than 3,500 lives lost; women, children, infants, the frail, and elderly, countless innocent bystanders have been brutally and violently murdered. It is time to make it stop.

There is no easy solution, but the first steps toward unity are a willingness to negotiate whether you are from Britain or Northern Ireland or the Republic, whether you are a unionist, a republican, or a nationalist; put aside your differences, clear your minds, and make a good-faith effort to arbitrate this dispute. Now is the time for peace and unity in Northern Ireland.

I urge other Members of this House to join me and many of the speakers here tonight in standing up for unity and standing up for an end to the violence in Ireland.

I want to thank my colleague, the gentleman from Massachusetts [Mr. NEAL], my neighbor, for arranging this discussion and for allowing the American people to hear the great prospects for peace and unity that have developed over the last few months.

Mr. NEAL of Massachusetts. We thank the distinguished gentleman from the Third District of Massachu-

setts for offering those encouraging words.

I now would like to acknowledge a familiar face in the Congress on the issue of Northern Ireland, indeed, a united Ireland, an individual who has time and again articulated a strong point of view as it relates to this issue, the distinguished gentleman from New York [Mr. WALSH].

Mr. WALSH. I thank the gentleman for yielding to me.

I very much appreciate his organizing this special order at a very historic moment in the history of Ireland and its relationship with our country and with England. I would also like to give credit to the gentleman from New York [Mr. KING] who I joined last night watching the movie "In the Name of the Father," a movie about the Guildford Four, which shows that tyranny and bigotry and injustice still exist in the north of Ireland, and its relationship with England.

Since first coming to this Chamber as a Representative from central New York, I have had the honor of witnessing internationally historical events unfold. Many of them have been positive, the results of compromise and understanding. I want the same to happen in Northern Ireland.

Lech Walesa was here in this Chamber and told us what it is finally like to live in a free Poland. Nelson Mandela gave his personal and important views as to what freedom means in South Africa. The wheels are turning in the Middle East. We are working to bring a permanent end to the fighting in Yugoslavia. The Berlin Wall is down. The U.S.S.R. has dissolved. Eastern Europe and Asia are still writhing in chains of totalitarianism.

But in Northern Ireland the same class struggle exists as if it were excerpted from a 1950's documentary or an early 1900's newsreel or a late 19th century letter to relatives in America from the old country.

I have to tell you a story. Most of our great Irish traditions are oral, and a story that my grandfather related to me when I was a young boy about when he was a young boy around the turn of the century, just before the turn of the century in Ireland, and things were hard, and wherever you could find food you found it. He used to go down to a river near his house on the west coast in the northern part of Ireland and try to hook a salmon. He had a gaff hook, which some of you may be familiar with, and he would go down and lay along the side of the river and wait until a salmon swam by and hook it and pull it out. One day he was doing this, and he got one, and he was only about 13 or 14 years old at the time.

He told me the salmon was about as big as him, and he pulled it out of the water, and he started walking back home, and a game warden saw him and started chasing him. My grandfather

started running, and he said that that salmon got heavier and heavier as he ran, and the man behind him kept yelling, "That fish belongs to the King. That fish belongs to the Crown of England." And the faster he ran, the heavier the fish got until they were almost nose to nose, he and that game warden. They got so close that my grandfather had to finally drop the fish in order to escape.

A long time later when he left Ireland to go to a country where he could fish where he pleased, he met that man again in an elevator shaft going down into a coal mine in Pennsylvania, and they recognized each other. They did not say anything on the way down, but on the way back up they passed the time of day, and he said, "You were that little boy I saw trying to steal that salmon out of the river?" And my grandfather acknowledged him, and they became close friends. They were now in a country where they could go and take a fish from a river and not have to worry about it belonging to someone who lived in a foreign land. It was their fish.

I asked my colleagues today to join me in giving Ireland a turn on center stage. It is Ireland's turn. All parties involved need our help.

We either act positively or risk being judged negatively by our inaction. But just what can we do? It is a fair enough question, given the fact that our historic ally, Great Britain, struggles with this question every day.

□ 2100

There are nettlesome issues involved. How indeed can they extricate themselves militarily and every other way if the majority of the northern Provinces desire to remain part of the United Kingdom?

There are no easy answers. Step-by-step negotiations, finding common ground, appealing to the desire for peace and security, men and women of peace trying to unravel the strands of mistrust and animosities centuries old; it can be done. We know it can.

We have seen it happen right here. Religious prejudice does exist in the north of Ireland as it exists in many countries. The difference in Northern Ireland is the government sanctions it, de facto, favoring one side. This is historic and undeniable.

Prime Minister John Major inherited this, just as many before him. He asks seemingly reasonable questions of Sinn Fein leader Jerry Adams, "Say you will lay down your arms, and we will include you in the peace talks." At arms length, so to speak, across the ocean, so many of our ancestors traveled to get away from the persecution and famine, and we can see things clearly. That does not mean we see an easy solution, but we see that common sense can prevail if certain steps are taken.

The Prime Minister must answer Sinn Fein's request for clarification of the joint declaration. Mr. Adams must be given information with which to approach the Irish Republican Army.

The problem can be very generally stated as this: If Mr. Adams did have the power over all Irish Republican Army actions, he would be hard-pressed to get all the elements to agree to abandon the armed struggle. No reasonable person can deny the hardship inflicted by the Loyalists over the years, just as one cannot condone revenge by the IRA. Mr. Adams needs our understanding of his political position, and our support. We need to convey this commitment to our ally, Great Britain.

Now, I am not an expert in this area. I do know that the history of Ireland's struggle documents clear hardship for the minority in the north. Those identified as Catholics are living in desperate physical conditions while Protestants have been prosperous since Great Britain divided Ireland 74 years ago.

This fits neatly into headlines as a religious war, but these are two groups who would be seen in many areas of the world as quite similar. They are Christian, they speak the same language, they use the same currency. They are separated profoundly by economics. This is part of how we can help. President Clinton should undertake the appointment of a special envoy. Ireland needs our attention. It would be unconscionable to let this historic opportunity fade. We must become active. It is Ireland's turn.

We can easily take fundamental steps toward strengthening the economy of Northern Ireland. This strength—that is, creating jobs—will soothe fears, create cross-cultural associations and friendships. As we know, security for one's family often translates into toleration for others, all of which precedes egalitarianism.

No matter what action we take, the troubles are a long way from over.

I think we are at an important juncture. The United States cannot stand by. We can make a difference. I saw a difference. I saw us make a difference. I was a Peace Corps volunteer in Nepal. When I came here to this body, I was joined by a number of Members who wrote to the king when they went through the transition from monarchy to democracy. We asked that he honor the legitimate rights of his people for democracy, and he did. There was a peaceful transition there. People pay attention to what is done in this Chamber.

This year the Project Children Program, which brings Northern Ireland kids to the United States for a summer vacation with host families, celebrates 20 years in business.

My family and I hosted a boy from Belfast, Michael Lyons. I tried to call

him recently but was reminded that his family does not have a phone. If you have been through the Catholic neighborhoods in Belfast, you will know the level of poverty that suffocates the dreams of young people there. Michael is now 14. It makes me sad to think that he could grow into adulthood surrounded by the same fear and hatred that has existed throughout not only his life but those of his parents, grandparents, and great-grandparents.

But I remind myself that there is hope. I think of the other historic agreements we have seen in recent years. I am excited by the prospect of peace in Northern Ireland, too. It is Ireland's turn. We can make a difference. They must act in unison with our ally, but we must do everything we can to make them act now.

No more bloodshed, no more tyranny; the time has come for peace, Justice, and a unified Ireland.

Mr. Speaker, I again thank the gentleman from Massachusetts.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank my friend for a very clear presentation.

I would like to close, for the next few minutes. Tonight we heard two themes: No. 1, the unification of Northern Ireland; and, No. 2, at long last that peace be brought to this tiny island that has given so much to the rest of the world. At that meeting that I had this past week with Prime Minister Major, I asked him to set a date for the withdrawal of British soldiers from Northern Ireland. Tonight, even as I speak here, there are 17,000 British soldiers, at an annual cost of \$3 billion, to occupy Northern Ireland.

During the course of our conversation, which was always respectful, I reminded the Prime Minister that the 800-year history of Great Britain in Ireland has not always been high-minded. He has acknowledged that himself in recent days.

I am also encouraged that the secretary of state for the north of Ireland, Sir Patrick Mayhew, has stated that you could make a good argument that the partition of Ireland was wrong.

Northern Ireland was artificially contrived. It was offered as a prospect to those who did not want to join the Republic of Ireland.

The truth is it has outlived its usefulness. As we watch the British set a date in Hong Kong for withdrawal, we are reminded that why, after 800 years and at least 300 years of direct antagonism, the same model cannot be applied to those six counties in the northeast of Ireland.

Indeed, overwhelming British public opinions favors the withdrawal of British troops from the north of Ireland. Why should the small segment in the north of Ireland be given veto power over unification? Why should a small segment be allowed to practice ascendancy when that model is now dead in South Africa?

This issue draws more attention as time moves on, and I am encouraged that John Major has never, like his predecessor, ruled out the prospect of a united Ireland.

Mr. Speaker, I want to assure you and the viewers this evening that we will be back again next month in another in this series of special orders. I would encourage all to view the movie "In the Name of the Father" if they wonder why many of us are so worked up about the repeated injustices that exist in the north of Ireland. It indeed is a great lesson for all.

I would just close on this note as many of the speakers before me tonight have: When I met with John Major, he noted, in speaking of Boris Yeltsin, that Boris Yeltsin needed to be supported because of the extraordinary changes that have swept the world in the last 4 years. I asked him, "Mr. Prime Minister, how can you contrast that progress with the current stalemate of eight centuries in Ireland?"

In but the last 4 years, the Berlin Wall has come down, Eastern Europe has been freed, the Soviet Union dissolved, Russian troops have left Latvia, Estonia, and Lithuania; majority rule has come to South Africa and free elections have taken place in El Salvador and Nicaragua. Yet the one place where the sunshine of freedom continues to be blacked out by the clouds of injustice is on the island of Ireland.

□ 2110

The gentleman from New York [Mr. WALSH] said it well:

"It's Ireland's turn, and fair-minded people everywhere agree with our position."

I want to close simply by saying, Mr. Speaker, that there is one Ireland on one island, and, if there is to be a referendum, it should include all the people of the Island of Ireland.

Once again I want to acknowledge, as well, Bill Tranchese and Margaret Albrecht from my office who helped to put together this special order.

Mr. MACHTELY. Mr. Speaker, first of all, I would like to thank my colleague from Massachusetts for organizing this special order session with regard to the advancement of the peace process in Northern Ireland.

The timing of this session is particularly good, in light of this month's release of Amnesty International's report on human rights in Northern Ireland.

The report warns that there will be no peace without respect for human rights in Northern Ireland. I maintain that no negotiated settlement will take place until the cycle of sectarian murders is put to an end and until the British Government's atrocious human rights record is drastically improved.

It should come as no surprise that the majority of human rights violations detailed in Amnesty's report have occurred to the detriment of the Catholic community in Northern Ireland. There has long been an appearance of collusion between the security forces in the

north and illegal loyalist paramilitary organizations. This apparent collusion has had the understandable effect of polarizing the Catholic population from the security forces in Northern Ireland.

On this note, I believe the time has come for an independent tribunal to be appointed to carry out independent investigations into shooting incidents involving members of the public where lethal force has been used. I also believe it necessary to tighten up on the operational rules with regard to lethal force used by the security forces in Northern Ireland.

There have been many allegations that the Royal Ulster Constabulary [RUC] has been uncooperative with regard to gathering evidence about loyalist attacks on Catholics, and the continued failure to provide adequate levels of protection to the Catholic community from loyalist attacks. How can years of hatred between these two divided communities be expected to subside if biases are allowed to thrive, judicial injustices are left unchecked and the weight of the law seems balanced in favor of one community over the other?

Besides the obvious and more publicized inequities in Northern Ireland, there exists a need for effective and fair antidiscrimination laws to ensure that new and existing jobs are distributed fairly between Protestants and Catholics. There also needs to be a more vigorous enforcement of the 1989 Fair Employment Act in an effort to reach out to the underrepresented in both communities. Much good has been achieved in this area, but more needs to be done.

The road to the peace talks has come a long way, but before it reaches its destination, the British Government, in my opinion, must come to the realization that for negotiations to succeed, all involved parties, including the Irish Republican Army, must participate. How can a resolution be achieved with the absence of the very groups upon which the success of the talks hinge? In my opinion, it can't.

The British and Irish Governments have achieved much in the past few months and we have all been encouraged by the momentum for change in South Africa and in the Middle East. However, the comparisons with the strife in Northern Ireland are few. In South Africa and in the Middle East, unconditional negotiations between all parties have resulted in real progress. If peace in Northern Ireland is to be achieved, preconditions for any negotiation must be cast aside and details of any proposed negotiating settlement should be disclosed at the outset for all parties to see. Attaching preconditions to negotiations in Northern Ireland serves no positive purpose, and so far, has only alienated those whose accord-ance is critical if there is to be agreement.

There will be no lasting settlement in Northern Ireland unless the Catholic community truly believes they are entering into talks as equal negotiators, and not as unequal subjects whose interests are subservient to those of the unionist majority.

Evenhandedness must prevail for a settlement to be reached and a lasting peace to be maintained.

Mr. FISH. Mr. Speaker, as many of you know, my first contact with Ireland came in the early 1950's when I served as a vice consul of the U.S. Foreign Service in Dublin. I then

returned in 1978, as the ranking minority member of the Immigration Subcommittee, to investigate reports of visa denials to British subjects of Irish descent by United States consular posts in London, Dublin, and Belfast.

That Judiciary Committee trip forever changed my outlook on Northern Ireland. Despite the thorough briefings we had on the situation prior to our departure, we were totally unprepared for what we saw during our 4 days there. We were especially struck by the violation of human rights the people of Northern Ireland are subjected to day in and day out and the glaring inadequacies of the justice system there.

Since that time, I have worked with my colleagues as one of the cochairmen of the Ad Hoc Committee on Irish Affairs, to realize the goals of peace, justice, freedom, and an end to all discrimination in Northern Ireland. We are closer than ever to achieving those goals.

The Joint Declaration of Peace issued by British Prime Minister John Major and Irish Prime Minister Albert Reynolds on December 15, acknowledges the urgency of the situation in Northern Ireland and indicates a willingness to take steps toward resolving the crisis there. This plan, however, is just a first step.

While it contains many positive statements, the plan outlines no definite proposals for bringing about peace and no specific timeframe for initiating negotiations. All affected parties must have their questions answered and be allowed to participate in the debate. It is vital that the Governments of Ireland and Great Britain follow through on their commitment to consider the wide spectrum of political views in Northern Ireland.

Certainly a solution which has eluded men not just for decades, but for centuries, will not be easy. But peace, justice, and unity in Ireland are possible if leadership is exhibited, policies are developed to end the great economic injustices there, and all violence is ended.

Ms. MALONEY. Mr. Speaker, in recent years, world attention and pressure have brought about an end to apartheid in South Africa, a dialog between Israel and the PLO, and the collapse of communism in Eastern Europe and Russia. These incredible changes, unthinkable just a few years ago, make the continuing conflict in Northern Ireland all the more tragic, and the world's silence all the more puzzling.

This is one reason why I strongly supported congressional efforts to grant Gerry Adams a visa, and why I applauded President Clinton's decision to do just that. I believe that Mr. Adams's visit has enhanced the process of Irish peace and reconciliation by focusing public attention on the issue and generating a healthy public debate.

The joint declaration by Prime Ministers Major and Hume was initially greeted by many with great optimism. It is unfortunate that the peace process seems to have stalled since then. Mr. Adams has requested clarification from the British Government on certain points so that Sinn Fein may then approach the Irish Republican Army for a cease fire. I hope Mr. Major will provide that clarification to promote resumption of the peace process.

There are other issues in which I believe that Congress can play a positive role to help

improve the situation in Northern Ireland. Concerned Members of Congress have repeatedly urged the President to fulfill his campaign promise and appoint a special envoy to Northern Ireland. I continue to believe that a special envoy would help to facilitate negotiations and I again ask the President to appoint one.

The human rights violations in Northern Ireland continue to be an issue of great concern, as the Amnesty International report released last month points out. The people of Northern Ireland have endured human rights violations for far too long. They need and deserve the protection which a bill of rights would provide. I commend my colleague from Massachusetts, Mr. KENNEDY, for his resolution calling for such a bill of rights and urge all Members of this House to support it.

Working to end anti-Catholic discrimination in Northern Ireland is also a legitimate concern for this House. Unfortunately, religious discrimination is still pervasive in Northern Ireland; that is why I hope Congress will adopt the same MacBride principles legislation that I authored and brought to passage while on the New York City Council.

By passing the MacBride principles, as outlined in H.R. 672, Congress would go a long way to help end corporate discrimination against anyone in Northern Ireland on the basis of religion.

As with other conflicts around the world, Congress has an important role to play in demonstrating the support of the people of the United States for the preservation of basic human rights and self-determination. By keeping attention focused on Northern Ireland, it is my hope that we in the House can help to bring about peace with justice in that long-troubled part of the world.

Mr. SCHUMER. Mr. Speaker, since 1969, we have lost more than 3,000 individuals to the political violence in Northern Ireland. Women and children are afraid to leave their homes in certain sections of Belfast. Basic guarantees of due process have been suspended and freedom of expression has been restricted throughout the United Kingdom. Conditions in many prisons violate international standards. The people of Northern Ireland deserve to be granted the rights they are due. It's time for the bloodshed to end; it's time to stop fighting and start talking.

The peace initiative outlined by British Prime Minister John Major and Irish Prime Minister Albert Reynolds was an important first step. But it was only a first step, and we are kidding ourselves if we treat it as anything more than that. The initiative contains no definite proposals for bringing about peace and no definite timeframe for negotiations. It includes many positive statements, but compelling rhetoric alone will not save Northern Ireland. If we wait for the declarations of the initiative to make a real change in Northern Ireland, we will be helplessly sitting by as countless lives continue to be lost to violence. More than 2 months have passed since the agreement was announced, and we are yet to see any significant strides toward peace.

The United States cannot sit by and watch this opportunity for lasting peace to go to waste. By appointing a special envoy to Northern Ireland, we can advance the process of negotiations. A special envoy would give the

talks the support they need to move beyond rhetoric and into substance.

I have already urged President Clinton on a number of occasions to appoint a special envoy to Northern Ireland. I will continue to do so because I believe this is an issue that is just too important to ignore. The lives of innocent people in Northern Ireland are at stake. We must act now.

GENERAL LEAVE

Mr. NEAL of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of Ireland.

The SPEAKER pro tempore (Mr. COOPER). Is there objection to the request of the gentleman from Massachusetts? There was no objection.

UPDATE ON THE SITUATION IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I rise tonight to update the situation in Haiti. I want to talk about our Haitian policy and the fact that that Haitian policy, and all of the activities surrounding Haiti presently, represent a mushrooming United States foreign policy and domestic moral crisis.

Mr. Speaker, it is a foreign policy crisis, it is a human rights crisis, and it is a crisis which is producing an erosion of the moral authority of the United States. Haiti is just a small country compared to the United States and the industrialized nations of the world. Haiti has a population of 7 million. Haiti has no great amount of natural resources, no oil, nothing of great desirability with respect to the industrialized nations and their needs for raw materials. Haiti is not militarily a strategic location for any United States military concerns.

However, Mr. Speaker, Haiti is in the Western Hemisphere, and Haiti has a long history of being dominated by the United States policymakers like every other nation in the Western Hemisphere. The United States does consider what happens in Haiti important. The United States would never allow another power, even a friendly power like France, or Canada or Japan, to begin to dominate in the relationship with Haiti, dominate the making of foreign policy in Haiti or dominate the economic situation, as meager as it may be, as insignificant as Haiti's economy may be.

Mr. Speaker, I assure my colleagues that if the Koreans were to come in with an economic development plan, or the Japanese were to come in with an economic development plan and all that leads to, because the great competition in the world right now is an economic competition, not a military competition, I assure my colleagues if

any industrialized nation were to come in and to begin to work with the Haitian leaders, or begin to work to return the democratic leaders to Haiti with the expectation that they would have a great role in the making of future policy and economic development in Haiti, I assure my colleagues the United States Government would not sit by quietly and say, "Great. Go right ahead. We wash our hands of the Haiti situation and the problems."

No, Haiti is important to us, and therefore we must look at the situation and determine a new course of action with respect to the return of democracy in Haiti. We can take no other route as a great nation. We can take no other route as a leader of the free world, as the last superpower. Haiti represents a mushrooming crisis, and we should deal with the crisis right now.

As a result of our lack of a cohesive and well-directed foreign policy with respect to Haiti, as a result of our lack of an honest and morality based, morally based policy with respect to Haiti, Mr. Speaker, we are being backed into a position that this Nation has never been in before. We are being backed into a situation where we are behaving like one of the greatest totalitarian nations on the face of the Earth. There are very few totalitarian powers lacking morality of concern for morality. There are very few powers that never subscribe to human rights that are behaved in the way we are presently behaving in Haiti. We have backed into a situation which is totally untenable.

First of all, Mr. Speaker, we are in a situation where our asylum policy represents a double standard. The United States has always had a policy for treating refugees in a very liberal way. The Statue of Liberty is not the symbol of this country for no reason. It is because of the fact that we have always had open doors to those who were suffering or persecuted. Our asylum laws have been very generous and a great outreach for those who were in need. Only in the situation that presently exists with respect to Haitian refugees have we behaved in this way. Only now have we refused to follow our own asylum traditions, our traditions of granting asylum. Only now have we imposed a double standard on a particular nation.

Mr. Speaker, the Haitian refugees are alone in the way they are treated by the United States Government. What are the implications of that? The Haitian Government is alone, and it stands out in bold relief.

There is nothing subtle about the fact, or secret about the fact, that we have put the Haitians in a special category. If there was anything subtle about it before, then certainly an incident that took place several months ago where Haitian refugees came ashore in Florida in the same boat with

Cuban refugees—somehow they had gotten together in the Bahamas, and I do not know the full story—but it was clearly documented that the Cuban refugees in that boat were welcome and given the usual asylum treatment, the same one we would give to refugees coming from Hungary years ago, the same one we are giving now to refugees from the Soviet Union, the same one we gave to refugees from Vietnam. They were treated in accordance with our regular, established asylum policies and traditions. In the boat, the same boat as the Cubans, the Haitians were arrested, taken into custody and treated totally different.

Mr. Speaker, with respect to Haiti we have a double standard. Is it because the Haitians are black? What other reason can there be? For the first time we have a nation of black people seeking asylum in large numbers, and our response has been a different kind of response, a different standard. Is it because the Haitians are black?

We have gone further than just have a different standard with respect to asylum. We also have a policy of searching out Haitian boats on the high seas that are trying to get to this country, boats that are bringing people who are seeking to escape the terror in Haiti.

We all admit that there is terror. Nobody had disputed the fact that the present Government of Haiti is a brutal regime, that the present Government of Haiti has no philosophy of government, has no purposes, has no goals. The only purpose of the present Government of Haiti is to drain out of the Haitian economy as much as they can get for their personal aggrandizement for their own greed. Everybody agrees that drug running and the drug trade is a large part of what is propping up this regime in Haiti. Everybody agrees that there is terror and that many people have been killed.

So, Mr. Speaker, here is a situation where a whole nation has been placed under a kind of quarantine by the whole world. Nobody in the whole world, no nation in the whole world, recognizes the present military thugs who are in control of Haiti. We do not recognize them, so clearly here is a nation where people are being persecuted politically.

□ 2120

But we take the position that we will stop the boatloads of people coming from Haiti, load them upon our Coast Guard ships, and carry them back to the terror and the persecution.

At one time we said it was a humanitarian position, that we were merely doing this to make certain people didn't drown on the high seas. If you don't want them to drown on the high seas, save them, put them in the boats, and give them the usual treatment with respect to asylum. Let them be

interviewed, let them follow the same procedures, that all other refugees follow. But not with the Haitians. We load them into boats and we take them back to the illegal, unlawful, unrecognized military regime that has power in Haiti.

Why do we do this? We would not do this if they were French. We would not do this if they were Vietnamese. We would not do this if they were Hungarians. We would not do this if they were Jewish. We have examples where we have opened our borders for people who are under that kind of pressure. We have good examples. We have a good tradition. We should be proud of that tradition. But in the case of the Haitians, the American tradition ends, breaks down, and we impose something new, an interdiction, which is something very different from anything else we have ever done to any other group of people. Why? Is it because they are black? Is it because this is a black nation, these are black people, these are black refugees?

We have gone even further than interdiction. First, we don't give them the same treatment with respect to asylum. Then we have imposed a unique interdiction policy on the high seas. We have gone one step further and we have established a blockade. We have ships around Haiti that are not there only to enforce an embargo. Before the embargo was tightened, we had ships around Haiti to keep the people in Haiti. We don't want the boats to even leave.

We have a blockade around a sovereign nation to keep the people in, to hold them in and let the persecutors reign supreme. They cannot get out. They cannot even venture on a boat to get on the high seas.

If they want to risk their lives, if they feel they are under such tremendous pressure that they want to risk their lives on the high seas, then perhaps as human beings they have the right to make that choice. But we won't even let them make that choice. Never before have we put a blockade around a nation to keep the people in. This is unique. It applies only to Haiti and Haitians. Is it because the Haitians are black? Have we set up a double standard because they are black?

This is a question that every person of African descent anywhere in the world has to ask. We cannot go any longer with posing the question. For a long time following President Clinton's election, we were willing, we have been willing, to accept the President's explanation that all of this represents a temporary policy, a temporary set of procedures, to deal with a crisis situation. And the president pledged to solve the situation and to solve the problem by doing what all of us know is the right thing to do, the one thing that will produce a solution, which is the return of the rightfully elected

President of Haiti, John Bertrand Aristide. Aristide was elected by 70 percent of the voters. Seventy percent. When have we had that kind of election in this country?

So the approval of Aristide by the masses is clearly understood. We know who the masses want. For the 7 months that Aristide was allowed to govern, before the U.S. trained army threw him out of power, before the army that is in league with the CIA, their leaders were on the payroll of the CIA, an army with leaders who were on the payroll of the CIA, before they threw Aristide out of power, during that seven months the number of people trying to get out of Haiti and get into the United States went down to zero. The Coast Guard will document this fact. No people were found trying to get out of Haiti and get into the United States via the high seas during that 7-month period.

Why? Did John Bertrand Aristide have an economic development program? Was he able to overnight do miraculous things? No, he was not able to do miraculous things overnight for the economy of Haiti. What he did bring was an honest government for the first time in the history of Haiti, a government that cared about the people, a government that proposed simple things, like maybe the rich should pay taxes so we will have some money to pay for our schools. Simple things like no matter what it is, we ought to have some kind of minimum wage. It may be far lower than it is in the United States or other countries, but we ought to make people pay a decent wage. We ought to have some kind of restrictions on the exploitation of workers. We ought to have a cushion on the power of certain political figures in the rural areas. We ought to do some basic honest things that bring Haiti into the 20th century with respect to government. That is all he proposed.

He gave hope by just proposing, let us do things in a civilized way. Let's do things in the way in which all modern nations operate. Let's do the basics. The people rallied to his aid. They stopped trying to get out of the country. Many Haitians who lived in the United States and in other parts of the world were returning to Haiti. There is a large Haitian population outside of Haiti, very skilled people, very knowledgeable people. If they were to return in large numbers, they can turn the country around.

All they ask for is an honest government that is real, a government that wants to live by the law, a government that wants to abide by the Constitution, and they would do that. John Bertrand Aristide offered that hope. And the Haitians wanted not only total stay in, but others who were outside wanted to get back from.

That is a solution. The solution to the Haitian problem is very simple: Return the rightfully elected, democrat-

ically elected President, to Haiti, and take away the threat, take away the exploitation and the oppression, of the military government. The military government who is trained by the United States, the military whose leaders were once on the payroll of the CIA. We have the numbers. We can do it. But we have not done that.

So because we have not done the right thing, because we have not done the practical thing, because we have not done the obvious, we instead find ourselves enveloped in a byzantine policy of evil. We have an evil policy radiating around the Haitian situation. It is evil to have a different set of standards for one group of people. And when you can find no other reason than they are black, it becomes racist. This is not a racist nation. Our policies of government do not reflect racism. In this particular instance, we have allowed ourselves to drift into racism. We have a different set of standards, different standards with regards to interdiction, a blockade to hold people in. All of it is un-American. It is un-American. We have backed into an un-American racist policy.

United States Government, this present administration, has a failed Haitian policy. I use the term failed Haitian policy because one highly placed person in the State Department spoke to newspaper reporters and said that Haiti was a failed nation. Haiti was a failed nation.

Well, Haiti is a failed nation, and without Aristide it will continue to be a failed nation. But our Government has never referred to any other nation in that way. By implication they were saying Haiti is a failed nation and we should wash our hands of Haiti. Forget about Haiti. That was the tone of the statement made by this highly placed person in the State Department.

Why do you use that tone with respect to Haiti? Germany was a failed nation that did great harm to the rest of the world. They killed millions of people, the Germans. But when the war was over, we took that failed nation and we brought all kinds of aid to that failed nation, and we rebuilt that failed nation.

Japan was a failed nation, and they did great harm to this country in the process of failing. They killed 3,000 people in 1 day at Pearl Harbor. This failed nation we did not write off and say it is a failed nation, therefore the implication is the United States should not waste any time trying to rebuild or resuscitate this failed nation.

□ 2130

The Soviet Union is a failed nation. The Soviet Union failed in a mission which was designed to wipe us out, to wipe us off the face of the Earth as a nation. They had missiles aimed at us to do it physically. That failed nation now we are working in harmony with

to salvage, trying to salvage the Soviet Union. So why would anybody in the State Department who supports our policy toward Russia and the Soviet Union and the former nations of the Soviet Union, why would anybody who supports our policy toward Germany and Japan, why would they make a point that Haiti is a failed nation, and therefore Haiti does not deserve any of our attention?

We have a failed foreign policy. We have failed diplomats in the State Department, but we do not need to dwell on the fact that Haiti is a failed nation. Our failed foreign policy is based on a faulty analysis given by the CIA from the very beginning. An analysis of the election which catapulted John Bertrand Aristide into power was a faulty analysis.

In the first place, the CIA and its bungling, blundering intelligence operations in Haiti as usual did not know who Aristide was at the time that he was elected. It was a great surprise to our CIA, and there were agents who were in on this situation, I assure you, agents who had been in that country for years, so why is it they were totally surprised that Aristide was elected by 70 percent of the vote? That was a first-rate failure. They had egg all over their faces about that, and they became very bitter about it and proceeded to produce faulty analyses of the situation.

The CIA had picked somebody else to win the election, but the U.S. Government was spending money via the CIA and other entities, spending money for another candidate to win. Not only did he lose, but he lost big. There was no way to patch it up, so the CIA proceeded to try to smear, assassinate the character, of John Bertrand Aristide.

They were very upset because their alliances in Haiti, the alliance with their political figures and the alliance with the military leaders, was being threatened, jeopardized. They began a vendetta against John Bertrand Aristide, a vendetta which was totally unprofessional, and of course the CIA is an unprofessional organization, the CIA is a bungling organization, the CIA is a very expensive organization, probably a very corrupt organization, and we cannot prove any of this because the CIA is a very secret organization. It is only when things bubble to the surface that we get a glimpse of what is going on.

Any organization that can have a person in a high level, one of the highest ranking officers in the CIA, the person in charge of Soviet counterintelligence, any organization that can have a person in that position, and that person be a spy for Russia, for the Soviet Union, for 8 years, 8 years, and they not be able to detect it, not be able to discover it for 8 years, is an organization that is in great need of overhaul. Something is radically wrong with the

CIA. There is a culture of buddyism, a culture that cannot see their colleagues. There is something radically wrong.

The people who have been charged with espionage for 8 years, the man who headed the Soviet counterintelligence desk, the man who they charged probably has caused the death of at least 10 agents in Russia who were working for the United States. That man was living off of his CIA salary, as if he was a multimillionaire. The man and his wife were living like multimillionaires, and the CIA could not see that something was wrong for 8 years, for 8 years. Something is radically wrong with the CIA.

How can we believe their analyses of anything? This is the same CIA which did not predict the collapse of the Soviet Union's economy. Their No. 1 priority was the Soviet Union. This CIA could not predict that the Soviet Union's economy was going to collapse. It came as a great surprise. We have thousands of people in that operation studying it from every angle, as well as agents on the ground, with large expense accounts which have been wasted paying counterespionage agencies.

Recently they had been boasting that, "Well, we caught one spy here in our country that the Russians were employing, but we have employed many of theirs. We have turned many of their agents," and can you imagine the millions of dollars we must have shelled out to Russian agents, people who were giving us information about Russia?

Can you imagine that? It does not take much, I am sure, any sophomore listening and any kid can understand the game. Can the Members imagine how many Russians swindled the United States out of millions of dollars, giving us secrets that were not secrets? We had all these agents that were turned in by the CIA and were spying on Russia for us, and we could not predict the collapse of the Soviet Union's economy, so then they must have been giving false information in exchange for the millions of dollars they were paid.

What I am saying is that the CIA is not in a position to be the kingpin, the core of making policy for any nation, until it is revamped, until the President puts leadership in the CIA which belongs to his generation.

I think a large part of the problem in the State Department and in the CIA is that there are men who do not belong to Bill Clinton's generation, they do not think like Bill Clinton. They come from a different era. They come from an obsolete line of thinking. They are the protégés, more in the line of Oliver North, than they are modern-thinking activists like Bill Clinton.

To base our policy in Haiti on an analysis done by the CIA, on information supplied by the CIA, is to get off

on the wrong foot. They chose to fight back and to wage a vendetta against the man that they could not predict would win the election, Aristide, so they have waged a war on Aristide, assassinating Aristide's character at every turn.

Where are we right now? They are saying right now that the best thing that could happen to Haiti would be for Aristide to make another concession to the military, to the thugs, to the drug smugglers, one more concession they want. They say that would solve the problem, but Aristide allowed them to name people in a cabinet, appoint a prime minister, name a cabinet, and the military people have lined up a cabinet for him to name.

That is what we are saying now, that Aristide is a bad guy because he will not agree to a total sell-out, a sell-out that any sophomore in high school could understand. It is not a subtle sell-out, it is a total sell-out, an obvious sell-out.

They would just say, "We surrender." If what is being proposed by the State Department and the administration's negotiators were to be put in place right now, it would be the end of democracy forever in Haiti, for a long, long time in Haiti, because what they are saying is, "Turn over your government to the enemy, turn over your government to the military thugs that threw you out in the first place. Turn over your government to the people who have always exploited the 7 million people in Haiti. Tell the Haitian people to forget it, there is no hope, and the future will be like the past, surrender."

In answer to that President Aristide said no, and we have a movement underway now to just jettison President Aristide. I expect sometime soon we are going to hear some kind of proclamation that makes President Aristide persona non grata in this situation.

Aristide's answer is the following. I just want to sum it up. Aristide's answer in summary is that, "Yes, I will cooperate in a new initiative, but the new initiative must be consistent with the following eight steps." There must be a departure of the leaders of the September 30 coup as foreseen in the Governor's Island Agreement, an agreement that Aristide signed many months ago. It called for the departure of the military leadership October 15, 1993. They did not abide by the agreement. They did not leave.

Everything that Aristide agreed to, everything that he signed that he would do, Aristide has done.

□ 2140

But the military has not. Aristide says you can get the military out if you would really seriously impose severe sanctions by the Security Council of the United Nations, and accompany that with adoption of measures to

train Haitians to participate in the United Nations technical assistance project. If you take measures to end the flow of goods coming into Haiti from the borders of the Dominican Republic, and if you allow an informational campaign for the Haitian population, in other words, the rightfully, legally elected Government of Haiti, headed by President Aristide, which would like for the United States Government to assist it in just beaming television and radio messages into Haiti.

You know, we had Radio Free Europe, we had Radio Havana, the U.S. Government has sponsored and passed many radio information operations, many operations to jump over the borders of a totalitarian government and bring the message. There is nothing new.

We know how to do that. But as elementary and inexpensive an operation as that, we have refused to carry out for the Government of Haiti headed by President Aristide.

He has just asked for these simple things. And that is step one.

Step two, the adoption by the Haitian Parliament of the laws that were foreseen in the New York Pact. The Governor's Island Agreement was signed by President Aristide and called for Haitian amnesty for the leaders of the Haitian coup. He agreed to that, and it is up to the Parliament to adopt what he agreed to.

Step three is the deployment of a technical assistance mission of the United Nations to Haiti.

Step four is name a new prime minister. Aristide is willing to name a new prime minister assisted by the State Department, if they take these other steps first.

Step five is the return to Haiti of President Aristide in 10 days after the naming of a new prime minister. Now, in the plans being proposed by the failed diplomats who are in charge of our Haitian negotiations or Haitian policy, the failed diplomats do not want to mention the return of Aristide at all. They want Aristide to take certain steps to compromise with the military, to name a new prime minister, put people in the cabinet who are his enemies, but they are not willing, even if he does that, they are not willing to say that we shall support your return by a date certain and set a date.

As any intelligent being would request, President Aristide says, "Say when I can return. If you will not say it, I will say it, 10 days after the naming of a new prime minister." That is step five.

Step six, the lifting of the sanctions on Haiti. The embargo would be lifted, because once Aristide is returned, it is no longer necessary to have those sanctions and the embargo. The rightful democratic government would be back in place. There would be confirmation

then of a new prime minister, step seven.

And step eight is reinstatement of economic aid to Haiti suspended some time ago when the coup took place.

These are the simple steps that President Aristide has proposed.

The Congressional Black Caucus supports them. Numerous other organizations support them. We will probably be moving to make certain that all of the American people understand the significance of those steps.

The Congressional Black Caucus, at this point, has a position which states, and the President has been made aware of this position, which states clearly that we are in favor of protective military intervention if necessary. We are on record as saying that there are times when only force can resolve the situation, and we do not recommend an attack on anybody in Haiti. But we do recommend in the Congressional Black Caucus position that a force of people be used to return President Aristide to Haiti, that that force of military people be large enough to make certain that President Aristide is protected, all of the members of the legislature are protected, all of the members of the cabinet are protected, everybody who is in any way connected with the government is protected. If someone chooses then to attack their protective force, then the protective force would have to respond likewise. But we are not proposing an invasion. This is the Congressional Black Caucus position at this point.

I might say that it is also the position of the overwhelming number of Haitian people, Haitian-Americans in this country, and it is the position at this point of the Haitian people.

Now, the people of Haiti and the Haitian-Americans in this country at the beginning of this process when Aristide was first overthrown were adamant about the fact that they did not want an invading army to return Aristide. Aristide certainly has not called for an invading army. Aristide has said he wants the Governor's Island Accords enforced. Aristide has said that drug smuggling and the drug industry base in Haiti, that the United States certainly has a right to do something about that. But he has not called for an invasion.

The people of Haiti have called for and made it clear that they are desperate, that they are certain that there is no other way to deal with the situation. Negotiations will not do it.

There is a certain class of human being that knows no other language except force. We saw the SS in Hitler, we saw Saddam Hussein, we have seen in Bosnia murderous slaughter going on and on until force was introduced as a counterbalance to the murderers.

There are some situations which can only be handled by countervailing force, and I consider myself as much of

a peace advocate as anybody in the world. I consider myself a follower of Martin Luther King. Nonviolence is always the way you go when you can go that way, but there comes a time when it is impossible to deal with a situation using nonviolent techniques alone. Haiti is one of those situations.

We are dealing with thugs. We are dealing with criminals. They have uniforms on, but they are thugs. They are criminals. They are in control of a drug trade which produces \$1 million a month. They are not going to turn loose of that unless it is dislodged by a countervailing force greater than they are.

An army of 6,000 has all the guns, machine guns, hand grenades, all the armored cars, and the population has nothing. So they are in control.

We have the policy. We have proposals which would change the failed United States policy into a policy for returning Haiti to democratic rule.

We are considering further actions. I will quickly summarize those.

We are considering a request from the leadership of the Congress. We have been dealing with the President, the administration, but the leadership of this Congress needs to answer the question: Should we have a separate asylum policy for Haiti? Should we have separate and unprecedented interdiction policies for Haiti? Should we have a blockade around Haiti?

Our Democratic leadership and our Republican leadership, we want their support for the human rights in Haiti, for a return to American principles driving our policy. We want their support. We want support from the leadership. We want support from the total Congress. We want a sense-of-the-Congress resolution that would tell the President that this Congress stands for a policy which treats Haitians as they treat everybody else in the world.

We want a sense-of-the-Congress resolution which says we want an asylum policy which applies to the Haitians the way it applies the the Cubans. We want an end to interdiction on the high seas and the return of people to the terrorists in Haiti. We want an end to the blockade which keeps people inside. We want an end to all of these un-American acts. We want an end to the erosion of the moral authority of the United States of America. We want an end to it.

We want a sense-of-the-Congress resolution which tells the President where we stand.

We want to go further and call a summit on all the people who are interested in justice for Haiti, and by implication interested in having all nations treated equally in this hemisphere, all nations treated equally throughout the world. So that means anybody can come to the summit, not just black leaders, not just American leaders. We want to reach out to the moral leaders

of the world. We would love to invite Mikhail Gorbachev to conference and to get involved as a world figure and as a man who is the winner of a Nobel Peace Prize and get him involved. We would like to invite him. Michael Manley from Jamaica, we would like to invite him. We would like to invite any world leader of stature who looks upon this situation and says, "Here is a moral problem first of all," and then want to get involved.

We would like to call on the nations of the United Nations, other than the United States, to deal with the moral issue.

There are four friends of Haiti that have been involved in this situation on a regular basis, Canada, France, Venezuela, and the United States. They have been working cooperatively to try to resolve the problem, but they have been ineffective. We need more than four obviously. Other nations should join.

We call on Japan to join the effort to restore democracy in Haiti. We call on Israel to join. We call on Germany to join the effort. We call on all the nations of the world. We call on Russia to join the effort to restore democracy in Haiti. It should not be confined to just the four friends. They have reached the point where they are paralyzed.

□ 2150

We have a failed policy, and we need other nations to come to the rescue of the four who have failed.

We need a moral crusade for the restoration of democracy in Haiti. That moral crusade should begin in the streets of America. Certainly among African-Americans, the issue of double standard, the issue of separate treatment, the implication that people of African descent can be singled out for separate treatment, is a reason to go to war—nonviolent war—but a war against this administration. This administration must move forward on Haitian policy and confront African-Americans of this Nation who have every reason to feel that this is not just racism that will stop with black Haitians but will be carried forward to black Americans. The danger is there, the danger is clear and present, and we have to have a response to the fact that we have pointed out we understand this danger. A moral crusade for the restoration of democracy in Haiti is not just a foreign policy issue, it is a domestic issue, it is an African-American agenda issue. The spirit of Martin Luther King must rise and march again in order to deal with an evil situation. This is an evil situation.

Aristide is the key to the solution. It is a simple solution, as I said before. The CIA analysis is totally wrong. The CIA analysis would like to have the American people believe that Aristide is some kind of egomaniac. Since when does an egomaniac become a priest and

as a priest take the poorest church in the hills of a rural area as his beginning church and as a priest move on to one of the poorest churches in the slums of Port-au-Prince? That is not the behavior of an egomaniac.

Since when does an egomaniac lecture to youth groups, try to convert prostitutes, and day in and day out live with his parishioners to try to console their suffering, their poverty? This is not the behavior of an egomaniac. But that is the beginning of Jean-Bertrand Aristide.

He began as a priest, he came under suspicion by the church merely by quoting from the Bible revolutionary statements, in their opinion, statements that called for justice for the poor. His church peers considered that revolutionary in the context of Haiti. So they began to watch him. They sent him all over the world to study, to get him out of Haiti. He studied in Canada, in Israel. Jean-Bertrand Aristide speaks 8 languages. He speaks Hebrew very well, better than he speaks English. He does speak English, Spanish, on and on.

Jean-Bertrand Aristide is a scholar. Jean-Bertrand Aristide is a poet. Jean-Bertrand Aristide is a writer, he is a theologian. Jean-Bertrand Aristide is a philosopher. Jean-Bertrand Aristide is an honest man who inspires the confidence of millions. Jean-Bertrand Aristide never trained to become a politician. He did not seek public office. There was no game plan that he had.

And the one criticism of Jean-Bertrand Aristide that is true is that Jean-Bertrand Aristide knows very little about politics. He knows very little about statecraft. These are the things that you have to buy, statecraft; many experts, good, well-qualified people in Haiti, can be pulled in to run the details, do the micromanagement of the state. That can be done if you establish an honest government. What Jean-Bertrand Aristide has is vision, what Jean-Bertrand Aristide has is compassion. He inspires trust. A nation of people who had given up hope, 7 million of them, looked to him for leadership. He gives hope.

The only person who can bring Haiti together and make Haiti function as a nation instead of as a pirate cove—that is what it has always been, a cove, a bandit cove where a handful of elite families owned the top plantations and had almost a situation where the rest of the population was enslaved. They shared power with the military, who used drugs and other kinds of corrupt practices to rake off as much money as they could from the population.

So this is what Haiti is today, and this is what it was in the past. Jean-Bertrand Aristide can break that pattern. Jean-Bertrand Aristide has certain qualities possessed by George Washington. George Washington was an unselfish man without a drive to-

ward power. When the crown was put on George Washington's head by his officers and they wanted to make him a king, he refused. If he had been an egomaniac, if he had been power-driven and accepted the crown, he would have thrown the infant nation of the United States into a moral turmoil that probably would have lasted for decades. But that unselfish act by George Washington was probably his greatest act, probably the greatest thing he ever did. He refused to be crowned king.

Aristide never wants to become king, he never aspired to assume power in Haiti. His concern has always been for the people on the bottom, the people in the slums, for the suffering that he wants to relieve in some way.

They said Aristide was unstable, that is another big lie perpetrated by the CIA and repeated by certain people in the other body. Aristide is unstable, they say. They even believe—somebody got the details of documentation, and they said Aristide spent some time in a Canadian hospital for mental treatment. They gave the name of the doctor. The secret CIA suddenly let out some of their secrets. Well, once their secrets were let out, you could check them. They double-checked the documentation of the CIA and found that the hospital did not exist, there was no such hospital, and there was no doctor by that name.

So the one thing that could be checked, that was checked, was found to be a total falsehood.

All you have to do is sit in the company of President Aristide for 1 hour and you know this is not an unstable person, this is not an egomaniac, this is a man of stature, the stature of Martin Luther King, Nelson Mandela, Mohandas Gandhi.

What the CIA cannot see, what they are blind to, is greatness. Obvious greatness that everybody else can see, obvious greatness that millions of people who voted in Haiti could see. The CIA is blind to it. They are so corrupt, so caught up in their cultural secrecy, so out of touch with the world, such blunderers, such expensive misfits that they cannot see the obvious. But the obvious is true; Aristide is a great man. And it does not matter what the United States does, it does not matter what the United Nations will do in the future, you will never take away from Aristide the role that he has at this point and will continue to have in the lives of the people of Haiti.

The man is moving toward sainthood. We do not want martyrs, but certainly he has been a candidate for martyrdom several times.

If there is anybody in the world who deserves to be unstable or slightly mentally off, it would be Jean-Bertrand Aristide. Jean-Bertrand Aristide has faced death three times, he has stared down death three times that have been documented, three

times where there have been guns pointed at Aristide's face and head. That is three times.

The most dramatic situation happened when the church that Aristide was pastor of was raided by the military thugs—this is before he entered politics, before he had become president—the church was raided by people with machineguns on a Sunday morning while Aristide was saying mass. They came in with the machineguns, and they shot men, women, and children. They piled up at the edges trying to escape.

A group of people in the church led Aristide upstairs into a room in the church. Of course, the bandits who came with their guns were primarily seeking him. They came into the room where he was, and while he lay on the bed and listened, not trying to escape, not doing anything, they debated who would kill him. They debated who would kill him.

And you may call it a miracle, but they decided they would go away and not shoot him at all.

If that did not unnerve Aristide, if that was not the kind of experience that would shake someone up and to make them a bit unusual mentally, then there is no other way to do it.

He has every reason. That was just one of the three attempts where he was staring death in the face and he survived.

□ 2200

As my colleagues know, Aristide is being treated by this administration and the failed diplomatic State Department as if he was a ward boss from one of our big cities, a tinhorn politician. They are so blind, and there is so much racism there, that they cannot see the caliber of the man they are dealing with. History will spit on them, and their judgment and their analysis, as a result of the way they are treating Jean-Bertrand Aristide. Our overreliance on the CIA analysis has generated an entrenched, wrong-headed policy starting from the CIA to generate our policy on Haiti. We have gone from one failure to another. We have gone down, down, down into a bottomless pit, but now we are watching the moral authority of the United States being eroded.

Mr. Speaker, this little country and this little situation is taking a grip on the moral authority of the country. This little situation is mushrooming into a situation that will have African-Americans in the streets of our Nation because they understand the implications of a double standard where black people are concerned because black people are involved and they are treated a different way. They are not going to wait for the implications to play themselves out. They are going to protest and rise up now.

Duplicity and deception permeate this failed policy toward Haiti. We say

on the one hand we are for democracy, we want to return Aristide. On the other hand we have the officers who will overthrow him on the payroll of the CIA. We have done nothing really to send a message to those officers that we will not tolerate their staying there indefinitely. We are saying on the one hand we want them to go. On the other hand we are doing nothing to remove them. We are doing nothing to send a message to really remove those officers. The pressure is all on Aristide.

So the duplicity and the fraud of our present policy must end. The failed diplomats who have perpetrated this policy must be removed. The people that President Clinton has in charge of the Haitian foreign policy are men not of his generation. They are men who are obsolete in their way of looking at the world. They are men who cannot solve this problem because they have blinders on, and they see the world through glasses that are tinted with the past, and they can do nothing more than fail.

The President must strike out on his own and remedy this problem. I think my colleague, the gentleman from Massachusetts [Mr. KENNEDY], has summed it up very well. Some of the points I already made he makes in a letter to the President dated February 18. He calls on the President, he urges the President, to lead an effort in the United Nations to impose a worldwide freeze on assets and visas of the entire officer corps and their civilian supporters. Some of us have been led to believe that that had already been done. They deliberately made us think that the United States had imposed a freeze on the assets of most of the officers and denied them visas a long time ago. We are seeing now that that was only on a few of the top leaders, so there was duplicity and some fraud in previous policy proclamations.

Mr. Speaker, the gentleman from Massachusetts [Mr. KENNEDY] goes further to ask the President to urge the United Nations to impose a total commercial embargo against Haiti, including financial transactions on air travel. The only exemptions should be for food, medicine and strictly humanitarian goods or services.

Point three: Put additional pressure on the Dominican Republic to cut the flow of goods across the border with Haiti and allow an international observer at the border.

Four: Increase radio and television broadcasts to Haiti to break the military's control of information and explain the steps the military must take to end the sanctions, and explain that to the Haitian people.

And point five in Mr. KENNEDY's letter to the President:

Work with other countries to set the groundwork for reintroducing the U.N. and OAS technical mission and human rights mission as soon as possible.

There are other people like the gentleman from Massachusetts [Mr. KENNEDY], who are concerned about this situation who have written to the President, other Members of Congress. There are organizational heads. Recently a statement was signed by the head of about a hundred organizations asking for the same things to take place.

And on January 3, Mr. Speaker, I wrote a letter to the President that I would like to close with. I think in the final analysis it is up to President Clinton. The people around here are not capable of solving this problem. The men in the CIA who have been handling the Haitian policy should be removed totally. The people in the State Department who have been handling Haitian policy should be removed. We should replace them with people of his own generation who understand the world as he understands it.

I wrote a letter to the President making this plea, that he take this kind of action. I want to close with a quote from this letter.

Mr. President, please be assured that we recognize that the decision for new action to move the Haitian situation forward will not be an easy one. We also recognize that you alone will have to choose the course for United States policy and action. Whether Haiti continues to be an island of seven million human souls being trampled deeper into the mud of poverty and disease by a murderous, heartless army and a dozen feudal lords; or whether Haiti will have a new birth as a nation can only be determined by you, Mr. President.

We strongly urge that you act alone if necessary, Mr. President. It is not exaggerating to say that you are presently in a position comparable to the one occupied by President Truman on the eve of his decision to recognize the State of Israel. Public opinion was against the recognition of Israel. The CIA strongly opposed recognition. The majority of the members of Congress and the members of the President's cabinet including General George Marshall opposed U.S. recognition of Israel. President Truman was left alone to meditate in communion with the wisdom of the ages. The President decided to recognize Israel and thus set in motion a chain reaction which gave birth to, and nurtured the survival of a great nation.

It is also not exaggerating to state that most of the seven million people of Haiti are forced to exist in a state close to slavery. As we all know, when Abraham Lincoln proposed the issuance of the Emancipation Proclamation all of his cabinet members voted no. To free the slaves Lincoln cast the only yes vote.

Mr. President, the fate of the Haitian nation is in your hands. Please remember that history always applauds, validates, and honors those leaders who take risks to help the least powerful among us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOPER). The Chair would advise the gentleman that remarks made on the floor must be addressed to the Chair and not to the President.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHIFF (at the request of Mr. MICHEL), for today and the balance of the week, on account of a death in the family.

Mr. MCDADE (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEKAS) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, today.

Mr. EWING, for 5 minutes, today.

(The following Members (at the request of Mr. NEAL of Massachusetts) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. RICHARDSON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GEKAS) and to include extraneous matter:)

Mr. SOLOMON in four instances.

Mr. ZELIFF in two instances.

Mr. GILMAN.

Mr. MACHTLEY.

Mr. LEACH in two instances.

Mr. POMBO.

Mr. DORNAN in three instances.

Mr. GALLEGLY.

Mr. BURTON of Indiana.

Mr. LAZIO.

Mr. GINGRICH.

(The following Members (at the request of Mr. NEAL of Massachusetts) and to include extraneous matter:)

Mr. DEUTSCH.

Mr. DELLUMS.

Mr. POSHARD.

Mr. JACOBS.

Mrs. MALONEY.

Mr. CARR.

Mr. SYNAR, in two instances.

Mr. MARKEY, in two instances.

Mr. MANN.

Mr. STARK.

Mr. LANTOS.

Mr. NEAL of Massachusetts, in two instances.

Mr. WAXMAN.

Mr. HAMILTON in two instances.

Mr. NADLER.

Mr. HALL of Ohio.

Mr. SKELTON in two instances.

Mr. ROEMER.

Mr. REED in four instances.

Mr. RICHARDSON.

Mr. HINCHEY.

Ms. ESHOO in 14 instances.

Mr. KOPETSKI.

Ms. WOOLSEY.

Ms. KAPTUR.

Mr. LEVIN.

Mr. LAFALCE in two instances.

Mr. LEWIS of Georgia.

Mr. BECERA.

Mr. BARCIA of Michigan.

Mr. SERRANO.

Mr. CLEMENT.

(The following Member (at the request of Mr. OWENS) and to include extraneous matters:)

Mr. LAROCO in three instances.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Thursday, March 3, 1994, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2671. A letter from the Principal Deputy Under Secretary of Defense, transmitting notification that the report on the effects of the post-cold war officers strength reductions on the officer personnel management system will be sent to the Congress by early April 1994; to the Committee on Armed Services.

2672. A letter from the Chairman, National Commission on Manufactured Housing, transmitting the Commission's interim report, pursuant to Public Law 101-625, section 943(d)(2) (104 Stat. 4414; 103 Stat. 1150); to the Committee on Banking, Finance and Urban Affairs.

2673. A letter from the Transition Manager, U.S. Enrichment Corporation, transmitting the corporation's annual report for fiscal year 1993, pursuant to Public Law 102-486, section 901 (106 Stat. 2929); to the Committee on Energy and Commerce.

2674. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by David M. Ransom, of the District of Columbia, to be Ambassador to the State of Bahrain, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2675. A communication from the President of the United States, transmitting further information on the deployment of United States combat-equipped aircraft to support NATO's enforcement of the no-fly zone in Bosnia and Herzegovina (H. Doc. No. 103-213); to the Committee on Foreign Affairs and ordered to be printed.

2676. A letter from the Director, Office of Public Affairs, Department of Agriculture, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552; to the Committee on Government Operations.

2677. A letter from the President and Chairman, Export-Import Bank of the United

States, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2678. A letter from the Federal Housing Finance Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2679. A letter from the FOIA Officer and General Counsel, Federal Mediation and Conciliation Service, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552; to the Committee on Government Operations.

2680. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(a); to the Committee on Government Operations.

2681. A letter from the International Boundary and Water Commission, United States and Mexico, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2682. A letter from the Chairman, National Mediation Board, transmitting the annual report on activities of the inspector general for fiscal year 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2683. A letter from the Secretary of Health and Human Service, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2684. A letter from the Director, U.S. Information Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2685. A letter from the Administrator, U.S. Small Business Administration, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(a); to the Committee on Government Operations.

2686. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 1993 through December 31, 1993, pursuant to 2 U.S.C. 104a (H. Doc. No. 103-214); to the Committee on House Administration and ordered to be printed.

2687. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's notice on leasing systems for the central Gulf of Mexico, sale 147, scheduled to be held in March 1994, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Natural Resources.

2688. A letter from the Office of the Marshall, Supreme Court of the United States, transmitting the annual report on administrative costs of protecting Supreme Court officials, pursuant to 40 U.S.C. 13n(c); to the Committee on the Judiciary.

2689. A letter from the Executive Director of Government Affairs, Non Commissioned Officers Association of the United States of America, transmitting the annual report of the Non Commissioned Officers Association of the United States of America, pursuant to Public Law 100-281, section 13 (100 Stat. 75); to the Committee on the Judiciary.

2690. A letter from the Secretary, Department of Transportation, transmitting the Department's 1993 annual report on the recommendations received from the National Transportation Board regarding transportation safety, pursuant to 49 U.S.C. app. 1906(b); to the Committee on Public Works and Transportation.

2691. A letter from the Inspector General, Department of Commerce, transmitting the Department's report on the limitation on use of appropriated funds to influence certain Federal contracting and financial transactions, pursuant to Public Law 101-121, section 319 (103 Stat. 752); jointly, to the Committees on Government Operations and Appropriations.

2692. A letter from the Secretary, Department of the Interior, transmitting certification that lands for the Central Arizona Project [CAP] has had an adequate soil survey, land classification has been made, and that the lands to be irrigated are susceptible to agricultural production by irrigation, pursuant to 43 U.S.C. 390a; jointly, to the Committees on Natural Resources and Appropriations.

2693. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the incidence of radiation related silicosis and pneumoconiosis in uranium miners, pursuant to Public Law 101-426, section 12 (104 Stat. 926); jointly, to the Committees on the Judiciary, Energy and Commerce, and Education and Labor.

2694. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation entitled, "Export Administration Act of 1994"; jointly, to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs, Ways and Means, Public Works and Transportation, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 374. Resolution to request a conference with the Senate on an amendment of the House to the bill S. 636 (Rept. 103-427). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JACOBS (for himself and Mr. BUNNING):

H.R. 3935. A bill to amend title II of the Social Security Act to establish a continuing disability review account in the Federal disability insurance trust fund which shall be available solely for expenditures necessary to carry out continuing disability reviews; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself, Mr. SOLOMON, Mr. BAKER of California, Mr. CANADY, Mr. FROST, Mr. DOOLITTLE, Mr. MCHUGH, and Mr. LEVY):

H.R. 3936. A bill to provide the penalty of death for federally prescribed kidnappings resulting in the death of a minor; to the Committee on the Judiciary.

By Mr. GEJDENSON (by request):

H.R. 3937. A bill entitled: "The Export Administration Act of 1994"; to the Committee on Foreign Affairs.

By Mr. JACOBS:

H.R. 3938. A bill to provide duty-free privileges to participants in, and other individuals associated with, the 1994 World Rowing Championships; to the Committee on Ways and Means.

By Mr. SLATTERY (for himself, Mr. McMILLAN, and Mr. PENNY):

H.R. 3939. A bill to amend the Public Health Service Act to eliminate the incentives that lead to increased prices and utilization of clinical laboratory diagnostic testing services and other ancillary health services; to the Committee on Energy and Commerce.

By Ms. WOOLSEY (for herself and Mr. DICKEY):

H.R. 3940. A bill to provide funds for postage for mailing of information on active stranger abduction investigations; jointly, to the Committees on Post Office and Civil Service, the Judiciary, and House Administration.

By Mr. ZIMMER (for himself and Mr. BACCHUS of Florida):

H.R. 3941. A bill to amend section 207 of title 18, United States Code, to tighten restrictions on former executive and legislative branch officials and employees; to the Committee on the Judiciary.

By Mr. APPELATE:

H.R. 3942. A bill to amend the Internal Revenue Code of 1986 to exclude strike benefits from gross income; to the Committee on Ways and Means.

By Mr. BLUTE:

H.R. 3943. A bill to prevent persons that have drug use or alcohol use problems from occupying dwelling units in public housing projects designated for occupancy by elderly families, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LAROCO (for himself, Mr. FAZIO, and Ms. ENGLISH of Arizona):

H.R. 3944. A bill to provide for a demonstration program to develop and implement special management practices for certain National Forest System lands; jointly, to the Committees on Natural Resources and Agriculture.

By Mr. GEPHARDT:

H. Res. 375. Resolution relating to a question of the privileges of the House; considered and agreed to.

By Mr. JOHNSON of South Dakota:

H. Res. 376. Resolution amending the Code of Official Conduct of the Rules of the House of Representatives to require that contributions to legal defense funds for the benefit of Members shall be treated as campaign contributions; to the Committee on Standards of Official Conduct.

By Mr. GOSS:

H. Res. 377. Resolution instructing the Committee on the Budget to make the precise spending cuts set forth in this resolution to save \$285 billion over the next 5 fiscal years unless the committee determines that any such cuts would be unjustified; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII.

292. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to the designation of critical habitat for the Louisiana black bear in certain portions of south Louisiana; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND
RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PETERSON of Minnesota:

H.R. 3945. A bill providing for a 5-year extension of patent numbered 4,062,141 (relating to a waterfowl decoy); to the Committee on the Judiciary.

By Mrs. VUCANOVICH:

H.R. 3946. A bill to require the Secretary of Agriculture to convey certain lands in Austin, NV, to the Austin Historic Mining District Historical Society, and for other purposes; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. HOAGLAND.
H.R. 115: Mr. ABERCROMBIE.
H.R. 171: Mr. EWING.
H.R. 300: Mr. MONTGOMERY and Ms. FURSE.
H.R. 302: Mr. FINGERHUT, Mrs. FOWLER, Mr. DOOLITTLE, Ms. LOWEY, Mr. BARLOW, and Mr. WAXMAN.
H.R. 408: Mrs. FOWLER.
H.R. 439: Mr. LEVY.
H.R. 455: Mr. HAMBURG.
H.R. 476: Mr. GOODLING.
H.R. 493: Mr. BACHUS of Alabama.
H.R. 494: Mr. BARLOW.
H.R. 702: Mr. CONNIT, Mr. TORKILDSEN, Mr. BUNNING, Mr. BURTON of Indiana, and Mr. ZELIFF.
H.R. 703: Mr. MORAN.
H.R. 746: Mr. CALVERT and Mr. PARKER.
H.R. 786: Ms. PRYCE of Ohio.
H.R. 885: Mr. TORKILDSEN and Mr. STUPAK.
H.R. 911: Mr. SANGMEISTER.
H.R. 979: Mr. WHEAT.
H.R. 1031: Mr. POMEROY.
H.R. 1056: Ms. FURSE, Mr. YOUNG of Alaska, Mr. ROWLAND, Mr. HALL of Texas, Mr. BISHOP, and Mr. FILNER.
H.R. 1110: Mr. STUMP.
H.R. 1168: Mr. FRANKS of New Jersey, Mr. BACHUS of Alabama, and Mrs. MEYERS of Kansas.
H.R. 1171: Mr. SMITH of Iowa and Mr. COSTELLO.
H.R. 1203: Mr. DIAZ-BALART.
H.R. 1349: Mr. GOSS, Mr. HAYES, and Mr. CANADY.
H.R. 1493: Mr. PORTMAN and Ms. SHEPHERD.
H.R. 1517: Mr. WALSH.
H.R. 1552: Mr. MCHUGH.
H.R. 1572: Mr. ZIMMER.
H.R. 1712: Mr. MICA, Mr. BALLENGER, and Mr. TORKILDSEN.
H.R. 1719: Mr. WALSH and Mr. HANSEN.
H.R. 1767: Mrs. LLOYD, Ms. FURSE, Mr. ROSE, Mr. EVANS, Mr. ROGERS, and Mr. EMERSON.
H.R. 1886: Mr. COLEMAN, Mr. PASTOR, Mr. SYNAR, and Mr. EVANS.
H.R. 1986: Mr. EHLERS and Mr. COSTELLO.
H.R. 2019: Ms. ESHOO.
H.R. 2135: Mr. TORKILDSEN.
H.R. 2153: Mr. JOHNSTON of Florida, Mr. MACHTEY, and Mr. RANGEL.
H.R. 2293: Ms. BROWN of Florida.
H.R. 2444: Mr. BARTON of Texas, Mr. GORDON, and Mr. DORNAN.
H.R. 2573: Mr. SANDERS, Mr. RAMSTAD, Mr. ENGEL, Mr. SAWYER, and Mr. NADLER.
H.R. 2641: Mr. PASTOR and Ms. DELAULO.
H.R. 2721: Mr. HOCHBRUECKNER.
H.R. 2826: Ms. BYRNE, Ms. HARMAN, Mr. SHAW, Mr. SENSENBRENNER, Mr. RANGEL, Mr.

PASTOR, Mr. MEEHAN, Mr. BARCA of Wisconsin, Mr. FISH, Ms. LONG, Mr. DE LUGO, Mrs. UNSOELD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ZELIFF, Mr. CARDIN, Mr. GENE GREEN of Texas, Mr. MORAN, Mr. OWENS, Ms. DELAULO, Mr. GINGRICH, Mr. LAZIO, Mr. DOOLITTLE, and Mr. RAHALL.

H.R. 2866: Mr. RANGEL, Mr. FLAKE, Mr. NADLER, and Mr. GLICKMAN.

H.R. 2896: Mr. GEJDENSON, Mr. SOLOMON, and Mr. EVANS.

H.R. 2898: Mr. FARR and Ms. SHEPHERD.

H.R. 2930: Mr. EVANS, Mr. HINCHEY, Mrs. MINK of Hawaii, and Mr. TAYLOR of Mississippi.

H.R. 2959: Mr. TAYLOR of North Carolina, Mr. SHAW, Mr. SOLOMON, Mr. ISTOOK, Mr. DELAY, Mr. ARMEY, Mr. HERGER, and Mr. STUMP.

H.R. 3075: Mr. RUSH.

H.R. 3105: Mr. DOOLITTLE, Mr. SAXTON, and Mr. DELAY.

H.R. 3184: Ms. NORTON.

H.R. 3245: Mr. NADLER.

H.R. 3251: Mr. EMERSON, Mr. KINGSTON, Mr. PARKER, and Mr. LEWIS of Florida.

H.R. 3278: Mr. VENTO.

H.R. 3288: Mr. WOLF.

H.R. 3305: Mr. OLVER.

H.R. 3328: Mr. HEFLEY and Mr. WASHINGTON.

H.R. 3333: Mr. DELAY.

H.R. 3373: Mr. EHLERS and Mr. PALLONE.

H.R. 3374: Mr. PALLONE and Mr. EHLERS.

H.R. 3392: Mr. DEAL, Ms. PRYCE of Ohio, Mr. ACKERMAN, Mr. RAMSTAD, Mr. SENSENBRENNER, Mr. MAZZOLI, Mr. WOLF, Mr. ORTIZ, and Mr. SCHIFF.

H.R. 3421: Mr. PETE GEREN of Texas, Mr. COMBEST, and Mr. POMBO.

H.R. 3424: Mr. LINDER, Mr. COLEMAN, and Ms. FURSE.

H.R. 3464: Mr. MOORHEAD, Mrs. LLOYD, and Mr. WELDON.

H.R. 3513: Mr. ANDREWS of Maine and Mr. MEEHAN.

H.R. 3550: Mr. FROST, Mr. SERRANO, and Mr. WASHINGTON.

H.R. 3572: Mr. NADLER and Mr. ROMERO-BARCELÓ.

H.R. 3611: Mr. WAXMAN.

H.R. 3620: Mr. EHLERS, Mr. DORNAN, Mr. ROHRBACHER, and Mr. KIM.

H.R. 3645: Mr. HANSEN, Mr. GEKAS, and Mr. MILLER of Florida.

H.R. 3685: Mr. DELAY and Mr. MCCOLLUM.

H.R. 3706: Ms. MCKINNEY, Mr. OLVER, and Mr. PALLONE.

H.R. 3743: Mr. MANN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. PASTOR.

H.R. 3757: Mr. EHLERS.

H.R. 3808: Mr. SANDERS.

H.R. 3814: Mr. EWING, Mr. SOLOMON, Mr. SMITH of Michigan, Mr. TALENT, Mr. PETRI, Mr. LEWIS of Florida, Mr. DORNAN, Mr. ROGERS, Mrs. ROUKEMA, Mr. BOEHNER, Mr. MICA, and Mr. BALLENGER.

H.R. 3838: Mr. NEAL of Massachusetts and Mr. FOGLIETTA.

H.R. 3849: Mr. BARTON of Texas.

H.R. 3860: Mr. DORNAN, Mr. POMBO, and Mr. SAXTON.

H.R. 3866: Mr. EVANS, Mr. FROST, Mrs. COLLINS of Illinois, Mr. WILSON, Mr. BARCA of Wisconsin, and Mrs. MEEK of Florida.

H.R. 3876: Mr. GEKAS.

H.R. 3877: Mr. FROST.

H.R. 3878: Mr. KLEIN and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3880: Mrs. VUCANOVICH, Mr. LIVINGSTON, Mr. ROGERS, and Mr. GOSS.

H.R. 3900: Mr. CARR and Mr. PAYNE of Virginia.

H.R. 3905: Mr. WYDEN.

H.R. 3916: Mr. FRANKS of New Jersey and Mr. KLINK.

H.R. 3927: Mr. LAUGHLIN and Ms. PELOSI.

H.J. Res. 9: Mr. TAYLOR of North Carolina and Mr. DREIER.

H.J. Res. 113: Ms. EDDIE BERNICE JOHNSON of Texas.

H.J. Res. 117: Mr. POMEROY.

H.J. Res. 209: Mr. LANTOS and Mr. GUNDERSON.

H.J. Res. 233: Mr. GALLO and Mr. BORSKI.

H.J. Res. 278: Mr. FARR, Mrs. BENTLEY, Mr. FISH, Mr. HILLIARD, Ms. VELÁZQUEZ, Mrs. ROUKEMA, Mr. SAXTON, Mr. WOLF, Mr. KLEIN, and Ms. BROWN of Florida.

H.J. Res. 297: Mr. PARKER, Mr. KLEIN, and Mr. GORDON.

H.J. Res. 310: Mr. VENTO, Mr. PASTOR, Mr. CLAY, Mr. RAVENEL, Mr. HEFNER, Mr. CRAMER, Mr. FALEOMAVAEGA, Mr. GALLEGLY, Mr. TALENT, Mr. HINCHEY, Mr. ACKERMAN, and Mr. BREWSTER.

H.J. Res. 322: Mr. BORSKI, Ms. PELOSI, Mr. HOCHBRUECKNER, Mr. KASICH, Mr. VOLKMER, Mr. GALLO, Mr. LIPINSKI, Mr. WALSH, Mr. BARRETT of Nebraska, Mr. EVANS, Mr. BLILEY, Mrs. MORELLA, Mr. HUGHES, Mr. DINGELL, Mr. BEVILL, Mr. FALEOMAVAEGA, Mr. WAXMAN, Mr. BERREUTER, Mr. SABO, and Mr. ANDREWS of Maine.

H.J. Res. 328: Mr. KASICH, Mr. FALEOMAVAEGA, Mr. MCNULTY, Mr. WAXMAN, Mr. KLEIN, Mr. BORSKI, Mr. QUINN, Mr. BLUTE, and Mr. FROST.

H. Con. Res. 35: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MONTGOMERY.

H. Con. Res. 47: Mr. POMEROY.

H. Con. Res. 91: Mr. BONIOR.

H. Con. Res. 152: Mr. RIDGE, Mr. MCCURDY, and Mr. SMITH of New Jersey.

H. Con. Res. 154: Mr. ROHRBACHER, Mr. SANDERS, Mr. HUGHES, Ms. WOOLSEY, Mr. BARRETT of Wisconsin, Mrs. MEYERS of Kansas, Mr. HINCHEY, Mr. TORKILDSEN, Mr. MILLER of California, Ms. ROS-LEHTINEN, Mr. KLEIN, and Mr. MURPHY.

H. Con. Res. 166: Mr. BILBRAY, Mrs. MEYERS of Kansas, Mr. PENNY, and Mr. HASTINGS.

H. Con. Res. 173: Mr. RANGEL, Mr. HUGHES, Mr. EHLERS, Mr. CANADY, Mr. FORD of Michigan, Ms. SNOWE, Ms. MCKINNEY, and Mr. VOLKMER.

H. Con. Res. 176: Mr. FAZIO.

H. Con. Res. 199: Mr. SKELTON, Mr. WALSH, Mr. MENENDEZ, Mr. GEKAS, Mr. FALEOMAVAEGA, Mr. PARKER, Mr. YATES, and Mr. MANN.

H. Con. Res. 201: Mr. GILCHREST, Mr. PORTER, Mr. BACHUS of Alabama, Mr. DARDEN, Mr. WALSH, and Mr. GEKAS.

H. Con. Res. 202: Mr. UPTON, Mr. NADLER, Ms. WOOLSEY, Ms. FURSE, and Mrs. MINK of Hawaii.

H. Con. Res. 210: Mr. SCHUMER, Mr. GEKAS, Ms. LOWEY, Mr. TORKILDSEN, Mr. MEEHAN, Mr. FRANK of Massachusetts, and Mr. HORN.

H. Res. 238: Mr. SAXTON.

H. Res. 255: Mr. RIDGE, Mr. POMEROY, Mr. KINGSTON, Mr. ARMEY, Mr. BARRETT of Wisconsin, Mr. SWETT, Mr. PORTMAN, Mr. MCCOLLUM, Mr. DORNAN, Mr. BONILLA, and Mr. DEFazio.

H. Res. 362: Mr. EVANS, Mr. HUGHES, and Mr. KLEIN.

H. Res. 365: Mr. BUNNING and Mr. TORKILDSEN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3421: Mr. GREENWOOD.